Part 360 Revisions

Part 361 Material Recovery Facilities (effective 11/4/17)

- 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 Processing 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
Part 360: Aerobic, thermophilic decomposition of organic waste to produce a stable, humus-like material.
Nutrient-rich soil amendment

Erosion control

Water-holding properties

Reduce landfilling

Battling climate change

Reduced pathogen content
Compost Systems and Methods

• Piles
• Windrows
• Aerated Static Piles
• In-Vessel
• Hybrid Systems
How is it regulated?

- Waste input
- Composting process
- Storage and pad use
- Product use
New exemption for small scale food scrap composting facilities: up to 1,000 lbs. or 1 cubic yard SSO per week

New registration provisions for food scrap composting has been increased from 1,000 to 5,000 cubic yards per year

No restrictions on use of biosolids products on food crops (Class A/EQ material only)
Composting

Regulatory Tiers

Exempt
- Facility located at site of waste generation
- $\leq 1,000$ lbs/wk or 1 cy/wk SSO
- $\leq 3,000$ cy/yr yard trimmings
- Animal carcasses on-farm (max. 10 for non-CAFOs)
- Animal carcasses on muni property
- Animal manure, bedding, crop residues
- CAFOs for non-sanitary wastes

Registered
- $3,000 - 10,000$ cy/yr yard trimmings
- $\leq 5,000$ cy/yr or 2,500 wt/yr SSO
- Road-killed animals
- Digestate (specified under 361-3.3)

Permitted
- Facilities larger than listed above
- Sanitary waste
Registered Compost Facilities

• Process
  • Pre-processing
  • Bulking agent/amendment must be tree debris wood source
  • Mature, stable product
  • Process waste on the day it is received (containerized up to 3 days)

• Site Control
  • Site water control
  • Buffer zones (reduced with enclosed vessels, etc.)
  • Minimize Odors

• Annual Reporting
Permitted Compost Facilities

- Waste source/quality
- Design and Operation Plan
- Odor Control and Response Plan
- Compost Maturity and Distribution Plan
- High level site water control
- Strict criteria for composting surface/area (other than yard trimmings along)
On-Site Composting EXEMPT
Yard Trimmings

• Exempt
  • \( \leq 3,000 \) cy annually

• Registered
  • 3,000 – 10,000 cy annually

• Permitted
  • Bigger!
Yard Trimmings

- Surface soil characteristics, bedrock/gw table info, but no requirement for a pad, etc.
- Feedstock source and composition
  - Quantities and management of each type
  - Bagged leaves must be debagged/processed within 60 days
  - Bagged grass clippings must be debagged/processed within 24 hours
Animal Mortalities

- Exempt
  - Animal carcasses on-farm (max. 10 for non-CAFOs)
  - Animal carcasses on muni property (includes road kill)
- Registered
  - Road-killed animals or routine animal mortalities
Exempt

- Animal manure, bedding, crop residuals
- CAFOs wishing to compost non-sanitary waste
Biosolids Composting

- Include details for each waste source
  - Quantitative analyses; must represent 6 months of biosolids production
  - Federal pretreatment programs, etc.
  - Lab requirements (DOH), analyses must be done within last year
  - Each source must meet pollutant limits
- Pathogen Reduction / Vector Attraction Reduction methods
- Larger buffer areas from residence or business
- Product analyses
  - NEW: Unrestricted use for Class A products
Municipal Solid Waste Composting

- Recyclables program
  - Separation, storage, reuse
- HHW separation and management program
- Radioactive waste detection and management plan
- Pathogen Reduction / Vector Attraction Reduction methods
- Larger buffer areas from residence or business
- All MSW composting areas and storage must be enclosed
- Product analyses
Source Separated Organics

Organic material that has been separated at the point of generation including, but not limited to, food scraps, food processing waste, soiled or unrecyclable paper, and parts, and yard trimmings.
Source-Separated Organics

- **Exempt**
  - $\leq 1,000 \text{ lbs/wk or 1 cy/wk SSO}$

- **Registered**
  - $\leq 5,000 \text{ cy/yr or 2,500 wt/yr SSO}$

- **Permitted**
  - Bigger!
Source Separated Organics Composting

- Generation of waste
  - Generators must have a separation program (exception: packaged products)
  - Residential
    - Service area and collection
  - Commercial/Institutional
    - Type of generator and quantities of waste from each
- Pathogen Reduction / Vector Attraction Reduction methods
- Product analyses
Food Scraps
Organics Diversion Legislation

2018-19 NYS Executive Budget

[REMOVED]

Beginning January 1, 2021:

➢ “Designated food scraps generators” (≥2 tpw) must donate excess food

➢ If a viable facility exists within 40 miles, the generator must recycle food scraps

➢ Disposal of separated food scraps is prohibited
Where does DEC go from here?

• Continued **outreach and education**
• Follow through on **funding opportunities** for donation and recycling
• Implement **new Part 360 regs, which encourage more food scraps composting**
• Be ready for future legislation proposals!
Food Pantries & Soup Kitchens
NEW for 2018

Municipalities
Budget bill carve-out for food scraps reduction and recycling (capital)
Hey!
Did you know your **Climate Smart Communities** grant application is due by 4pm on 7/27/2018?!

For projects or programs to increase **food donation** and directly support **food recovery** efforts, or facilitate food scraps **recycling at wastewater treatment facilities**, visit the following link:

https://www.dec.ny.gov/energy/109181.html
Residents are getting involved!
You can take your food scraps drop-off sites located throughout the five boroughs.

Note: Items that are accepted at neighborhood drop-off sites differ from the organic materials that we pick up from buildings receive curbside organics collection.
OldRegs:
Every drop-spot technically regulated as a TRANSFER STATION FACILITY!
Food Scraps
Community Drop-Offs

NEW REGS:
Exempt from transfer station regs
if each drop-off location accepts
< 5 cubic yards per day

Requirements:
• Waste is stored in leak-proof containers, covered overnight, and never placed on the ground
• Waste is removed on the day accepted, or by the end of the next business day
Navigating the Part 364 Transporter Regs for Organics

EXEMPT:

• Residential and Institutional waste
• Commercial/Industrial sources in quantities \(\leq 2,000\) lbs. in any shipment
Part 364
Transporter Registration

- Commercial Solid Waste (over 2,000 lbs. per shipment)
- Valid for one year
- Requirements for waste containment
- No permit fees
- Recordkeeping and reporting

EPA estimates commercial food scraps density at 1,000 lbs/cy
Subpart 361-4 Mulch Processing Facilities

- **Exempt**
  - Facility located at site of waste generation
  - < 10,000 cy on-site (subject to restrictions)
  - Small tree debris disposal sites outside of LI (conditions apply)
  - Emergency State-designated storm debris disaster areas
  - Facilities managing material subject to invasive species regulations and quarantines

- **Registered**
  - 10,000 – 25,000 cy on-site (subject to design and operating criteria)

- **Permitted**
  - > 25,000 cy on-site (subject to design and operating criteria)
Incoming Material

Mulch Processing Facilities can accept, process, and store the following:

- Yard trimmings (other than grass clippings)
- Tree debris including tree and shrub parts, branches, stumps, and trunks, as well as other similar woody vegetation
- Wood debris including unadulterated wood pallets and unadulterated wood that originates from wood product manufacturing or other similar sources
- Finished mulch products generated elsewhere
Incoming Material

Mulch Processing Facilities are **not permitted** to accept, process, or store the following:

- Construction and demolition (C&D) debris
- Adulterated or contaminated wood
Mulch Facilities

What the regs focus on...

- Storage limits
- Pile size and separation distance
  - Grind size
- Temperature monitoring in piles
- BMPs for fire prevention
- Site water control

Guidance:
http://www.dec.ny.gov/chemical/98069.html
Potential Regs Revisions

• Give food scrap drop-off programs a little more time to store containerized waste on site.

• Give small SSOW compost facilities a little more time to store containerized waste on site.

• Make it easier for municipally-run residential yard waste pickups to transfer between vehicles on their own site before hauling to an authorized facility.
Thanks for listening!

Molly Baker
molly.baker@dec.ny.gov