



Department of
Environmental
Conservation

Part 360 Series Revisions - Solid Waste Management Facility Regulations

Federation Conference
2023 Solid Waste & Recycling Conference
The Sagamore, Bolton Landing
May 24, 2023

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Division of Materials Management
NYSDEC

- **Proposed SWMF Part 360 Series Revisions**
 - Statutory implementation
 - Environmental protection improvements related to landfills
 - Adjustments related to C&D Debris/Excavated Material and Fill Material

Rulemaking Timeline

May 18, 2022 - Publish Proposed Rule and Begin 60-day Comment Period

July 19, 2022 – Public Hearing

August 24, 2022 – End of Extended Comment Period

June 2023 – Issue Final Rulemaking Package

August 2023 – Rule Effective

Proposed Part 360 Series Revisions: Public Comments - Statistics

- Comment Submissions received: 57
- Commenters: 664
- Comments: 505+
 - 360: 291
 - 361: 57
 - 362: 10
 - 363: 86
 - 364: 25
 - 365: 30
 - 366: 4
 - 369: 1
 - 371: 1
 - 377: 0
- Assessment of Public Comment – 100 pages



Highest Focus Area for Comments

- Fill Reuse revisions
- 1000 ft Landfill Expansion/Siting Prohibition



Adjustments from Proposed to Final

- Adjustments to the New York City Metropolitan Area Waste Impact Zone
 - Remove NYC Watershed West of Hudson from Zone
 - Reset NYC Watershed East of Hudson to Westchester County and Putnam County



Adjustments from Proposed to Final

- Waste Transporters Waste Tracking Documents:
 - Return specific jurat language and return requirement for submission to DEC

Adjustments from Proposed to Final

- New registration for third-party manure applicators on CAFOs
- Effort to minimize duplicative regulations in DMM and DOW over CAFOs
- DOW CAFO regulations don't cover third-party land applicators, so this addition would cover that potential loophole

Adjustments from Proposed to Final

- Adjustment to landfill construction requirements - minimum of 60 mil HDPE geomembrane in the secondary composite liner system instead of 80 mil
- Revision to landfill operational requirements to allow site-specific spacing of horizontal landfill gas collection lines for landfills that only accept C&D debris



Adjustments from Proposed to Final

- Add clarifications to prohibition on siting of new landfills or lateral or vertical expansions of existing landfills within 1000 ft of a school or residence
 - Specify method of measuring distance: footprint of waste to be placed to:
 - residence building and managed landscape
 - school building and outdoor recreation areas
 - Exclude schools or residences that are owned by or which have entered into a legal agreement with the landfill owner or operator
 - Exclude schools and residences built after Part 360 application is deemed complete
 - Allow expansions beyond 1000 ft from the school or residence



Rulemaking Timeline

May 18, 2022 - Publish Proposed Rule and Begin 60-day Comment Period

July 19, 2022 – Public Hearing

August 24, 2022 – End of Extended Comment Period

June 7, 2023 – Issue Final Rulemaking Package

August 6, 2023 – Rule Effective



What next?

- On-site Management of MSW Landfill Leachate
 - Pre-proposal Stakeholder Meeting – June 7, 2023
 - Rulemaking expected to follow later in 2023
- CLCPA Rulemaking for SWMFs
 - Expected in 2023/24



Thank You

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