

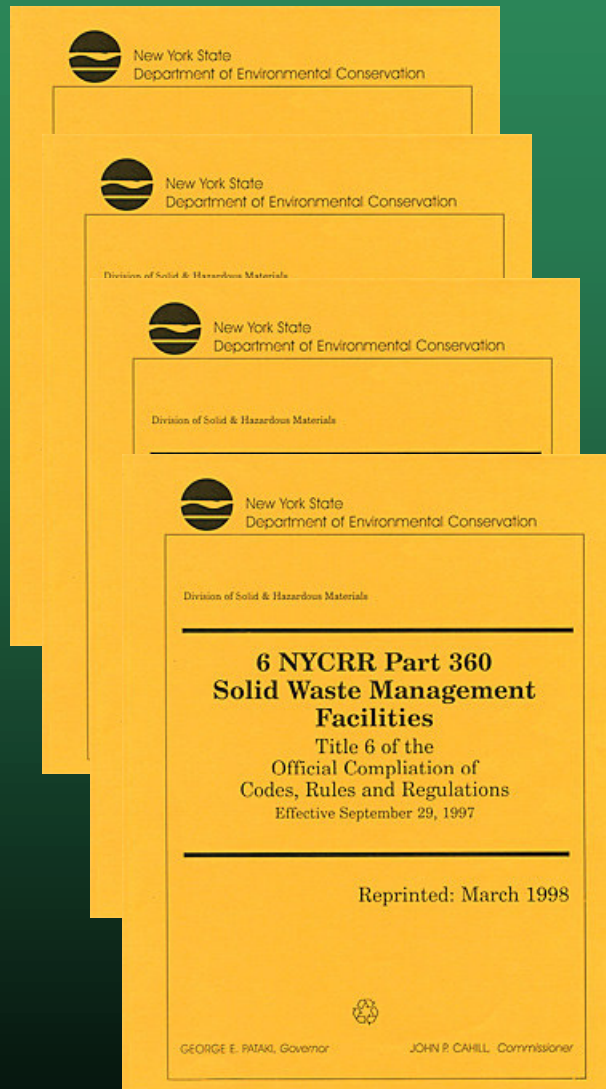
6 NYCRR Part 360 Update Policies & Priority Issues

**Federation of New York
Solid Waste Associations
Solid Waste & Recycling Conference
May 6, 2008**

Melissa Treers / Tom Lynch



6 NYCRR Part 360's Rule-making



Part 360 SWMF- General Requirements

Part 361 Solid Waste Recovery Facilities

Part 362 Solid Waste Transfer, Combustion and Processing Facilities

Part 363 Solid Waste Disposal Facilities

Part 364 Waste Transporter Permits

Part 365 Biohazard Waste Management

Part 366 Comprehensive SWM Planning

Part 369 State Assistance Projects



Policies & Priority Issues

- NYS Solid Waste Management Plan
- DEC's Priorities – April 11, 2008
 - Issue priorities
 - Organizational priorities
- Draft Solid Waste Management Facility Permitting Policy – April 23, 2008



DEC Issue Priorities

- Connect New Yorkers to Nature
- Promote a Toxic Free Future
- Safeguard NY's Unique Natural Assets
- Work for Environmental Justice
- Combat Climate Change
- Foster Green and Healthy Communities
- BLUE = Part 360 possibilities



Promote a Toxic Free Future

- Support innovative waste reduction policies & materials recovery
- Pursue partnerships with private sector to advance solid waste minimization and other objectives
- Finalize regulations to prohibit open burning



Safeguard Unique Natural Assets

- Update official freshwater wetland regulatory maps with watersheds as the framework
- “Wetland-friendly” landfill siting requirements/restrictions



Work for Environmental Justice

- Communities of Disproportionate Impact
 - complete mapping
- Permit vs Permit-by-Rule (New Facility)
 - C&D Processing Facilities
 - Transfer Stations
- Pursue community enforcement initiatives regarding illegal dumping violations



Combat Climate Change

(Reduce greenhouse gas emissions)

- Methane/Energy Recovery @ Landfills
- GHG Reporting
- Set aside area for LFGR Facilities



Green & Healthy Communities

(Reduce local waste generation/maximize recycling)

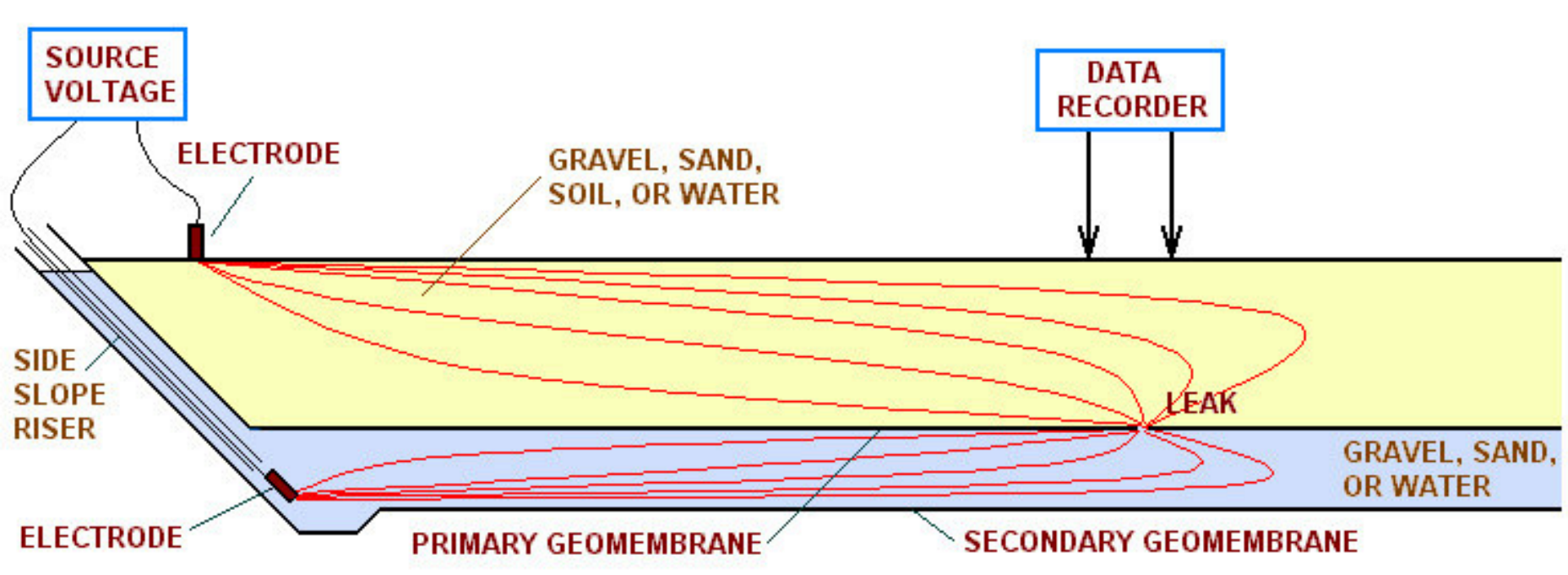
- Disposal Bans
- Mandatory Recycling Requirements
- Waste Characterization Studies
- Set aside space for recycling
- Expanded Part 364 fees
- Improve recycling grants program
- Odor control requirements at landfills



DEC Organizational Priorities

- Fair & effective enforcement
(new policies for SWMFs)
- Partnerships & the public
(PPI, PSI, TPC, NEWMOA)
- Workforce, science & technology
(talent, diverse & well-equipped staff)
- Sustainability of DEC's own operations
(recycling at all DEC facilities)





- ERT of both Primary & Secondary Liner after Drainage soil placement.
- 1000 gpad design criteria of SLCRS
- GCL for Soil Barrier in Primary Composite Liner.
- 25% threshold for ADC



Draft Solid Waste Management Facility Permitting Policy

- DEC Program Policy -DSHM-SW-08-01
- ENB Notice April 23, 2008
- Written Comments within 30 days
- Comments can include request for more review time



Solid Waste Management Facility Permitting Policy

- Clarifies DEC procedures for SWMF permitting
- Use permitting process to promote Commissioner priorities



Multiple Aims

- Conserve the state's remaining landfill resources
- Support the efforts of state and local governments to increase recovery and reduce waste
- Mitigate adverse impacts of waste facilities



Permit application elements

- Integrate permit decisions with LSWM planning
- Ensure adequate public discourse and scrutiny by considering most actions major under Part 621
- Ensure SEQR considers all relevant environmental impacts
- Collect information on greenhouse gas emissions
- Achieve adequate mitigation of impacts of proposed facilities and actions



Permit Application/LSWMPs

- LSWMP in place, up to date, and consistent with the State's policy goals
- All applications - describe how the facility consistent with State SWM policy
- Application submitted by or on behalf of municipalities - demonstrate how the facility is consistent with the LSWMP for the municipalities
- Application for a privately owned facility - include an assessment of facility impact on the LSWMP's in effect from PUs from which waste is received



Public Discourse & Scrutiny

- Minor: small C&D landfills & transfer stations & yard waste composting
- Considered major actions:
 - applications for a new SWMF permit
 - permit renewals and permit modifications, including facility expansions & rate increases
 - where DEC determines that a minor project requires public notice, may have a significant impact, or requires a public hearing



Public Discourse & Scrutiny

- Treating acceptance rate increases and expansions as major actions, regardless of size will trigger:
 - greater public notice and review requirements
 - preliminary screening requirements of Commissioner's Environmental Justice and Permitting Policy



SEQR Considerations

- DEC will continue its existing lead agency coordination efforts with other agencies
- As lead agency or by request to the designated lead agency, DEC will ensure that environmental review addresses:
 - landfill life and capacity airspace
 - state-wide capacity needs
 - impacts of truck traffic
 - waste reduction & materials recovery incentives and infrastructure impacts
 - greenhouse gas generation



Landfill Project EIS

- Quantify of methane emissions by utilizing site specific data (LandGem)
- Examine actions to reduce methane emissions:
 - diverting organics from landfilling
 - using landfill gas for energy production
 - enhancing landfill gas collection & flaring



Greenhouse Gas Emissions

- Landfill's annual report must contain information on:
 - % methane content of gas collected
 - % of site with gas collection
 - CO₂ emissions from landfill gas combustion (flaring or energy generation)
- Data will be used by DEC to determine potential policy approaches



Mitigation of Adverse Impacts/ Special Permit Conditions

- Disposal bans from certain waste streams if alternative infrastructure exists
- Waste diversion performance targets
- State of the art gas collection for new cells
- Provide financial support for investments in recycling infrastructure, planning, education, and outreach programs
- Shorter permit terms for landfills & WTE



Websites

- Preliminary Draft Part 360 Series @ www.dec.ny.gov/regulations/8753.html
- Draft Solid Waste Management Facility Permitting Policy @ www.dec.ny.gov/regulations/43377.html
- Solid Waste Management @ www.dec.ny.gov/chemical/41831.html

