

Meeting Notes

Rensselaer County MS4 Communities Meeting
Brunswick Town Hall
March 20, 2018
10:00 a.m.

Introductions were made.

The second item on the agenda was NYS Part 360 Changes & Transfer Stations & C & D Debris. Rick Clarkson from the NYS DEC Division on Materials Management gave a presentation on the new changes in waste and landfill regulations.

There are new regulations for waste transporters. There is waste tracking for drilling and production, medical waste and restricted/contaminated soils. These regulation changes were spurred by bad actors. The regulations also amended local solid waste management planning requirements, creating a 10-year schedule. Public participation is now required during plan development.

The regulation changes became effected November 4, 2017. The regulation changes expanded subparts 360 and 364, creating sections 361 and 361. Home rule still applies if the local laws are more restrictive. The regulations become effective on May 3, 2018. There is a 6 month transition period where existing registered facilities will need to apply for a new registration. Existing permitted facilities will continue under their existing permit until the permit needs renewal or modification. Existing exempt or registered facilities now needing a permit must have a complete application on file within 365 days (May 3, 2019).

For predetermined Beneficial Uses (BUDs), no additional approvals are needed for those remaining as a BUD. If greater than 10,000 tons distributed, a report must be made to DEC. For case-specific BUDs, a petition must be made to DEC for the effective substitute for raw materials or product. Case-specific BUD uses cannot constitute disposal. Predetermined BUDs which are no longer considered BUDs expire on May 3, 2018. They may be eligible for a case-specific BUD. Previous case-specific BUDs expire on May 3, 2018 unless they had a specific expiration date.

Predetermined BUDs include fill materials generated outside of New York City with no evidence of spills or indication of chemical or physical contamination that may be asphalt pavement and millings to be used in pavement and road construction, concrete, brick or rock to be used as aggregate, tire and glass aggregates with specifications and asphalt pavement and millings for incorporation into an asphalt product. The waste tires on farms to secure tarpaulins BUD is not going into effect yet.

Subpart 360-13 covers fill. Materials excavated at a site can be used anywhere on the site in areas of similar physical characteristics. If material exhibits evidence of contamination and will

be used in areas of public access, it must be covered by a minimum of 1 foot of clean soil or general fill. General fill can be used anywhere except agricultural land or undeveloped land. Restricted use fill can be used on embankments and transportation corridors with a 3 mg/kg total benzo(a)pyrene equivalent. Limited-use fill are allowed under foundations and pavement with criteria up to the Protection of Public Health-Commercial SCO.

Subpart 360-14 covers exempt facilities which are established in the regulations and do not require additional approval by DEC. This section allows the management of waste at the site of generation or other location in the state of the same ownership or control as the site of the waste generator. This does not cover 7 specific facilities – slaughterhouse waste composting, deconstructing manufactured homes, surface impoundments for coal ash, and others. It allows the non-putrescible waste storage on vehicles for less than 10 days, rendering facilities, facilities storing less than 1000 waste tires and pharmaceutical waste collection with conditions.

Subpart 360-15 covers registered facilities, transporters and collection events. Registration is valid for 5 years. Sites with two registered facilities per site require a permit if there is a potential to cause adverse effects.

Subpart 361-1 covers material recovery facilities. Exempt facilities include take-back sites operated by retailers or wholesalers for their products or similar and sites operated by governments and not-for-profits that take back consumer goods for reuse or secondary marketing. Registered facilities include those that accept 250 tons or less per day on a weekly basis of source-separated non-putrescible recyclables and have a residue rate of less than 15%. Recycling handling and recovery facilities can only receive source-separated, non-putrescible recyclables which are stored in a manner that maintains recyclability. BUD materials can be stored without time restriction as long as volumes are not exceeded. Other recyclables can be stored up to 180 days unless DEC approves a longer time.

Subpart 361-4 covers mulch processing facilities. Exempt facilities require on-site processing of less than 10,000 cubic yards provided that pile size requirements are followed and 10 feet is between piles, or are storm debris from a disaster or quarantined materials related to invasive species. Registered mulch processing facilities are those which process more than 10,000 cubic yards but less than 25,000 cubic yards provided that a program is in place to keep out contaminated wood; the facility does not accept C&D debris; material is processed within 21 months; required pile sizes are followed; temperature monitoring occurs, with buffers and restacking to avoid temperatures above 140°F and runoff is controlled.

Subpart 361-5 covers C&D debris handling and recovery facilities. Registered facilities are those receiving less than 500 tons/day on a 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; case-specific BUD material derived from C&D debris; or a combination of materials from above. Transportation from registered and permitted facilities requires tracking form for fill materials and non-BUD materials. Sampling of all residue and fill material leaving facility is required. Management of gypsum wallboard and mixed C&D debris must be in an enclosed building.

Subpart 362-3 covers transfer facilities which are municipal facilities that accepts no more than 20 cubic yards of MSW per day provided that only residential waste is accepted; transfer location and all vehicles are owned/leased by the municipality; waste is not placed on the ground; putrescent waste is removed once the container is full or at least every 7 days; waste is stored in a rigid, leak-proof container and covered; the municipality provides for the collection of source-separated recyclables at the facility; all waste is transferred manually from incoming vehicles; and waste is only accepted when an attendant is on duty. Waste can be transferred from vehicle to vehicle as long as waste is not placed on the ground and is in closed leak-proof containers.

For organic waste, exempt facilities can accept up to 5 cubic yards of source-separated organic waste per day for shipment to an authorized treatment facility provided the organic waste is not placed on the ground; all organic waste is removed on the day accepted or by the end of the next business day; and the organic waste is stored in right, leak-proof containers and covered. Take-back sites operated by retailers and wholesalers for their products or products similar in nature are also considered exempt.

Registered transfer facilities are facilities owned for operated by or on behalf of a municipality that receives less than 50 tons of waste per day provided: a maximum of 250 tons or 1,000 cubic yards of waste excluding source-separated recyclables is located at the facility at any given time; putrescent waste is removed once the container is full or at least every 7 days; non-putrescent waste is removed within 30 days of receipt; the municipality provides for the collection of source-separated recyclables at the facility; and waste is only accepted when an attendant is on duty.

Subpart 362-4 covers household hazardous waste collection facilities and events. Registered collection events can only occur 24 or less days per calendar year. The regional DEC office must be notified at least 30 days prior to the event and the event must have a Collection Event Plan. The materials must be removed within three days. Registration is valid for one year. A permitted collection facility has satellite collection event criteria that required a Collection Event Plan.

Part 363 covers landfills. Exempt landfills include the storage, processing and disposal of waste generated by an owner-occupied residence except for the following wastes: friable, asbestos-containing waste; waste tires; used oil; antifreeze; pesticides and pesticide containers; electronic wastes; household hazardous waste; mercury thermostats; mercury-added consumer products; rechargeable batteries; and lead-acid batteries. The same exceptions exist for farm wastes for exempt farm-related activities with the addition of C&D debris.

Outside of Nassau and Suffolk counties, tree debris disposal facilities are also exempt provided the facility does not accept a fee or other form of consideration; the tree debris is only accepted during daylight hours; tree debris is placed above the seasonable high groundwater table and not in ground water; and no more than 1 acre of the facility is used for tree debris disposal over the lifetime of the facility.

Facilities outside of Nassau or Suffolk counties that only accept recognizable, uncontaminated concrete or concrete products, asphalt pavement, brick, glass, rock or general fill from

construction and demolition activities are exempt facilities provided that they do not accept a fee or other form of consideration; the waste is only accepted during daylight hours; the waste is only placed above the seasonal high groundwater table and not in surface water; the waste does not include residues from C&D debris recovery and handling facilities; and no more than a total of 5,000 cubic yards of waste is received during the lifetime of the facility.

Facilities outside of Nassau or Suffolk counties where waste generated by state or municipal highway projects and managed on highway rights-of-way or municipally owned properties is accepted, consisting only of recognizable, uncontaminated concrete or concrete products, asphalt pavement, brick, glass, rock and general fill, and restricted use fill from construction and demolition activities where the waste is placed above the seasonal high groundwater table and not in surface water and the waste does not include residues from C&D debris recovery and handling facilities are also considered exempt.

Part 364 covers waste transporters and includes new regulations. Waste tracking is now required for drilling and production wastes, medical wastes and restricted/contaminated wastes due to illegal disposals and dumping. Exemptions include transportation by rail, water and air; residential and industrial waste where exclusions apply; household hazardous wastes which are source-separated and self-transported to an authorized event or facility; non-hazardous bottom and fly ash; public utility, railroad and transportation agency wastes (with conditions); RMW? of less than 50 lbs. per shipment (with criteria); waste transported by farm vehicles; C&D debris of less than 10 cubic yards per shipment; regulated waste of less than 2,000 lbs. per shipment (with exclusions); uncontaminated drill cuttings; approved BUD materials; and ag waste.

Registration is required for transportation of less than 50 lbs. of RMW? meeting certain criteria, source-separated household hazardous waste of less than 50 lbs., sharps from household medical waste sharps collection facility, less than 2,000 lbs. per shipment of commercial solid waste other than C&D debris, and less than 10 cubic yards/per shipment of C&D debris. All other waste transportation requires a permit.

Part 366 covers local solid waste management planning. The implementation plan is on a 10 year schedule. Public participation is now required during plan development, rather than after the plan is submitted to the state.

Part 369 covers state assistance projects, which include capital projects, recycling education and household hazardous waste collection and disposal projects.

Presentation PowerPoint is available on request from Ms. von der Heide.

The next agenda item was the Upcoming EPA Audit of East Greenbush. Ms. von der Heide went over a sheet she had created after receiving the Town of Rotterdam's audit report. Record keeping and written procedures are a common refrain from Rotterdam's audit.

Due to lack of time, the Local BMPs were held off to the next meeting.

The next MS4 Communities meeting will be held at the Brunswick Town Beach Pavilion on May 15, 2018 at 10 AM.

Attendees:

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