



Department of
Environmental
Conservation

Recent Regulatory Updates, Proposed Leachate and Biosolids Changes

NYSASWM Fall Conference
High Peaks Resort, Lake Placid
September 25, 2023

Richard Clarkson, Asst. Director
Division of Materials Management

- **Part 360 Series Revisions – July 22, 2023**
 - **Fill & C&D Debris**
 - **Landfill**

- **Other Areas of Focus**
 - **Waste Reduction & Recycling**
 - **Biosolids**
 - **CLCPA**
 - **Landfill Leachate**



Part 360 Series Revisions

July 22, 2023

Link to Part 360 Revisions

- <https://www.dec.ny.gov/regulations/125274.html>



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Adopted Parts 360-366, 369, 371, 377

Notice is hereby given that the New York State Department of Environmental Conservation (DEC) is adopting revisions to the Part 360 Series (6 NYCRR Part 360 Solid Waste Management Facilities, Part 361 Material Recovery Facilities, Part 362 Combustion, Thermal Treatment, Transfer and Collection Facilities, Part 363 Landfills, Part 364 Waste Transporters, Part 365 Regulated Medical Waste and Other Infectious Wastes, Part 366 Local Solid Waste Management Planning, Part 369 State Assistance Projects). The revisions include technical amendments and clarifications to the comprehensive 2017 rulemaking, as well as updated criteria needed due to legal and policy developments. This rulemaking also includes minor revisions to Part 371 and Part 377.

Environmental and Regulatory Impact Review

NYSDEC has determined that the rulemaking will not have a significant adverse environmental impact. NYSDEC has prepared a Regulatory Impact Statement, a Regulatory Flexibility Analysis for small businesses and local governments, a Rural Area Flexibility Analysis and a Job Impact Statement, in accordance with the State Administrative Procedures Act.

Rulemaking Documents

- [Express Terms \(PDF\)](#)
- [Full Text of Parts 360-366 and 369 \(PDF\)](#)
- [Supporting Documents \(PDF\)](#)

Copies of the documents for the rulemaking are available by contacting the NYSDEC.

Contact: New York State Department of Environmental Conservation, 625 Broadway, 9th Floor, Albany NY 12233-7254, ATTN: Rebecca Vaughan, Phone: (518) 402-8678, E-mail: rebecca.vaughan@dec.ny.gov.

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This Page Covers



C&D Debris/Excavated Material and Fill

- Conceptual shift related to Concrete, Asphalt, Rock, Brick and Soil (CARBS)

FROM Source separation of C, A, R, B, and S



TO Source separation of S from CARB

- Reset regulatory focus on contaminated soil – high potential of negative impacts

Comparison: Fill Types in Section 360.13

New Fill Type	Similar to old fill type...	Testing required?	Any non-soil constituents allowed?
F1	“Unrestricted fill” (<i>term of art</i>) in former 360.12(c)(1)(ii)	No	No
F2	General Fill	Yes	No
F3	No comparable type pre-7/22/23	Yes	<i>De minimis</i> concrete, brick and asphalt pavement.
F4	Restricted-use fill, except now <i>no limit</i> on non-soil constituents (formerly 40% limit)	Yes	Up to 100% inert, non-putrescible
F5	Limited-use fill	Yes	Up to 100% inert, non-putrescible



CDDHRFs

Adjusted requirements to make it simpler to handle and reuse concrete, asphalt pavement, rock and brick (CARB).

- Expand exemption to allow contractors who generated certain CDD/Excavated Material to manage those wastes under their ownership or control.
- Establish a new registered facility type for storage of CARB and mixtures of CARB
- Remove 500 ton per day threshold for registered CDDHRFs
- Establish new registered facility type that can accept combinations of asphalt, concrete, brick and rock to match newly established BUDs
- Require most soil excavated as part of a construction or demolition project that is directed to a SWMF to only be received by permitted CDDHRFs.
- Reduce the sampling frequency for fill material with lower amounts of contaminants



Part 364 Waste Transport requirements

- Registration required for transportation in the New York City Metropolitan Area Waste Impact Zone (NYCMAWIZ) of any Fill Type (F1 - F5)
- Exempt transport of CARB and CARB mixtures anywhere except in the NYCMAWIZ
- Waste tracking documents (WTD) required for any Fill Type (F1 – F5) transported in the NYCMAWIZ
- WTD required for F4 or F5 transported anywhere in the state
- Allow for equivalent documents to be used as WTD with department approval



Fill & CDDHRF Guidance – In Process

- *Using Section 360.13*
 - Guidance to include references for lab testing, how to choose sample locations, and a decision tree/flowchart based on Section 360.13
 - Late 2023 - Early 2024
- Update the *Construction Site Materials Quick Reference Guide* and pre-determined BUD forms on the Beneficial Use webpage
 - Late 2023 - Early 2024



Improvements Related to Landfills

Improvements Related to Landfills

- Require minimum 80 mil rather than 60 mil geomembranes for construction of the primary liner system
 - Reduce potential for damage during installation
 - Increase the performance and longevity of the liner system
 - Already utilized for primary liner construction in Nassau and Suffolk County
- Require double composite liners for all solid waste landfills:
 - Leachate data suggest that other landfill types produce leachate with similar characteristics to municipal solid waste landfill leachate
 - Landfill operators can attempt to justify that an alternative system would not adversely impact groundwater quality



Improvements Related to Landfills

- Prohibit new landfills or expansion (lateral or vertical) of existing landfills within 1000 feet of a school or residence:
 - Increasing the required separation between an active landfill and schools or residences will help to mitigate potential impacts.



Improvements Related to Landfills

- 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
 - Does not prohibit LF expansions more than 1000 ft from the school or residence



Other Areas of Focus

Waste Reduction & Recycling

Areas of Focus

- Extended Producer Responsibility
 - Electronic Equipment Recycling and Reuse Act – Implementing new provisions in Part 368 adopted in 2022
 - Postconsumer Paint – over 1 million gallons of architectural paint products have been recovered so far; over 300 collection sites across NYS
 - Carpet Collection Program Law (2022) – Initial Stakeholder Engagement; Advisory Board by 1/1/25; Program Implementation 7/1/26



Waste Reduction & Recycling

Areas of Focus

- Toxics in Products – Many new laws needing implementation
 - 1,4-Dioxane in Household Cleaning, Personal Care and Cosmetic Products Law - developing draft rules
 - Toxic Chemicals in Children's Products (TCCP) Law – developing draft rules
 - Flame Retardants in Electronics, Furniture and Mattresses Law – receiving annual reports for electronic displays; initiating rule making
 - Mercury in Personal Care and Cosmetic Products Law – initiating rule making
 - PFAS in Apparel Law – initiating rule making
 - PFAS in Food Packaging – continued outreach and education



Waste Reduction & Recycling

Areas of Focus

- Returnable Container Act (Bottle Bill) – held stakeholder meetings; drafting regulatory revisions
- Recycling Outreach, Education and Assistance – Recycle Right Campaign; MOUs with SUNYs
- Organics
 - Food Donation & Food Scraps Recycling Law – Continued implementation of Part 350; management of grants to improve food donation and recycling
 - Biosolids – Implementation of DMM-7; MOU with SUNY ESF

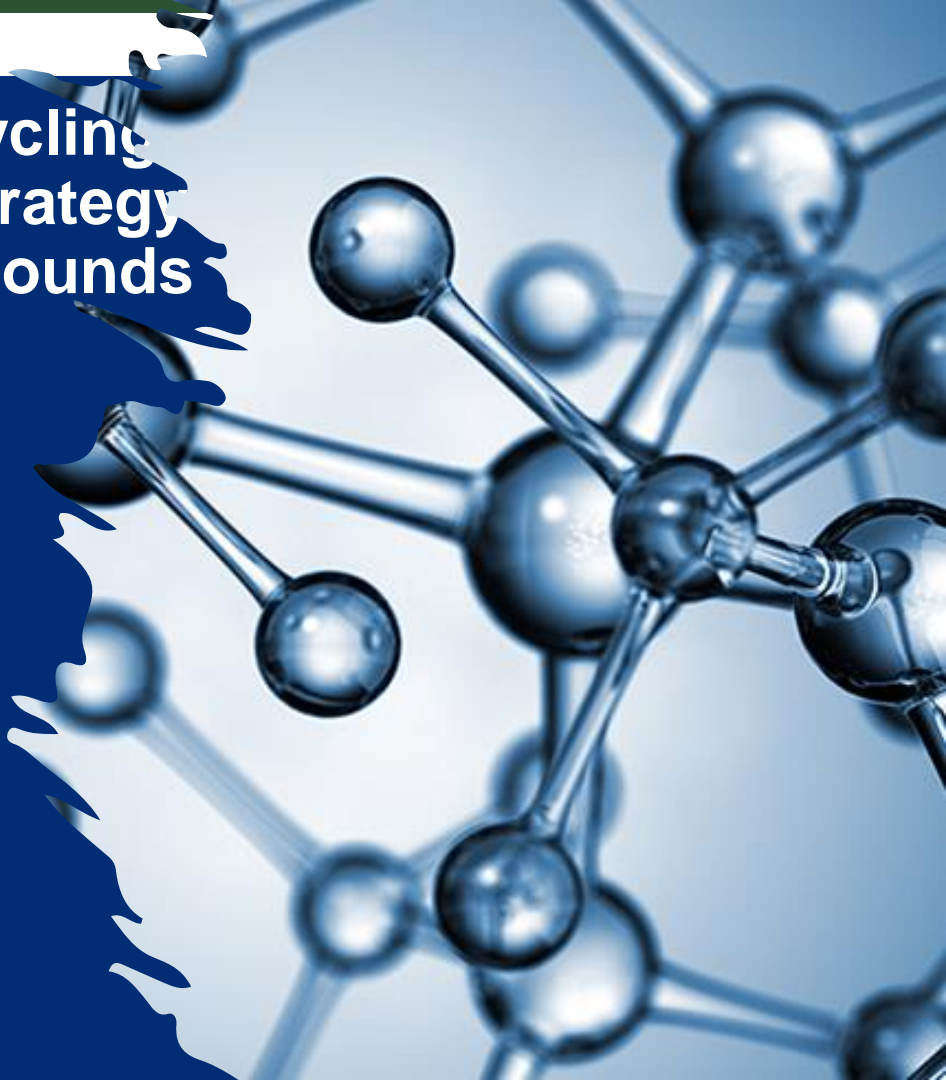


Policy: DMM-7 Biosolids Recycling in New York State – Interim Strategy for the Control of PFAS Compounds

(Adopted 9/20/2023; Effective 10/20/2023)

<https://www.dec.ny.gov/regulations/81768.html>

- Establishes interim PFOS and PFOA sampling criteria.
- This policy will remain in place until EPA issues risk-based standards applicable to recycled biosolids, which DEC will incorporate into further rulemaking (EPA estimates Dec. 2024)
- Policy will provide data for DEC to use in the development of future regulations



DMM-7 Details

Within 180 days of policy issuance, all permitted 361-2 and 361-3 facilities accepting biosolids must:

- Develop & submit sampling plan to DEC
- Sample each source (WRRF) and submit data to DEC
- Draft EPA Method 1633 required (must analyze all PFAS compounds provided by that method)

PFOA or PFOS in biosolids, dry weight (ug/kg or ppb)*	Action Required for Biosolids that are Recycled
20 or less	No action required.
20 – 50	Additional sampling required. DEC will take appropriate steps to restrict recycling after 1 year if PFOS or PFOA levels are not reduced to below 20 ppb or less.
50 or greater	DEC will take action to prohibit recycling until PFOS or PFOA concentration is below 20 ppb.

*DEC may require additional analyses using the SPLP (synthetic precipitation leaching procedure) and use those results in the determination.



MOU with SUNY ESF PFAS sampling

- Approximately 90 WRRFs affected by DMM-7
- SUNY-ESF partnering with DMM and DOW to sample and analyze at all facilities

Expected Outcomes:

- Characterize PFAS concentrations in influent, effluent, biosolids
- Investigate upstream industrial contributions to water system
- Cover initial round of sampling for WRRFs under policy



CLCPA

- CLCPA: Policy, Guidance and Rulemaking for SWMFs
 - Expected in 2024



Landfill Leachate

- On-site Management of MSW Landfill Leachate
 - Pre-proposal Stakeholder Meeting – June 7, 2023
 - <https://www.dec.ny.gov/regulations/81768.html>
 - Rulemaking expected in 2023



Comments on Leachate Stakeholder Meeting

- Concern with “Expedited Rulemaking Process”
 - Short comment period
- Concern re: solidification of raw leachate
 - Slope stability, airspace usage, high-density material
 - Offset other “difficult-to-manage” wastes (e.g., biosolids)
- Recognize LF-WRRF Circularity
 - Infrastructure – dedicated sewer lines
 - Financial agreements
- Clearly identify subsets of “leachate”
 - Raw, treated, effluent, condensate, byproduct
- Clearly identify acceptable methods/alternative
 - Volume reduction or other pretreatment
 - Allowable methods of redisposal – solidification, slurry
 - Onsite treatment/offsite disposal
 - Offsite treatment/onsite disposal
 - Offsite treatment/offsite disposal
- Allow sufficient transition time for permitting, design, construction (4-5 years recommended)



Landfills



Cogeneration for Onsite Evaporation of Landfill Leachate RO Concentrate

The Cumberland County Improvement Authority Solid Waste Complex maximizes the value of its onsite Landfill Gas-to-Energy Facility by using engine exhaust to evaporate landfill leachate reverse osmosis concentrate with Heartland's CoVAP Solution.

BY JOHN WEIGOLD

Location: Deerfield, NJ

Cumberland County Improvement Authority Solid Waste Complex

- 275 acres permitted
- Over 6 million tons of waste in place
- Receives approximately 750 tons per day of solid waste

Key Takeaways

- **RO Concentrate Treatment** – direct contact evaporation is one of the best ways to treat challenging Reverse Osmosis (RO) concentrate
- **Cogeneration for Evaporation** – beneficial use of engine exhaust

for evaporation improves engine efficiency and cost-effectively evaporates leachate

- **Environmental Sustainability** – through onsite evaporation, The Authority is taking significant steps toward achieving their sustainability goals

- **Energy Efficiency** – beneficial use of engine jacket heat preheats water and improves treatment effectiveness
- **Economic Benefits** – RO Concentrate treatment reduces overall leachate treatment costs

Thank You

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