



Proposed 6 NYCRR Part 360 Series - Cleanup Rule-making

The DEC is proposing to amend the 6 NYCRR Part 360 series regulations that were promulgated on November 4, 2017. Since the regulations were issued, the Department has made programmatic changes to implement the regulations and has identified several areas where adjustments to the regulations are appropriate. The proposal will also include amendments to the regulations to implement components of the March 1, 2018 Enforcement Discretion Memorandum addressing certain C&D debris management requirements, allowing for increases in the storage and operational thresholds related to the reuse of concrete and asphalt pavement and the addition of predetermined beneficial uses of this waste stream. The proposed amendments will also include adjustments to clarify the requirements for beneficial reuse of fill material to simplify the authorization process and increase the potential for environmentally sound reuse. The new tracking requirements for waste transport of C&D debris will be amended to remove duplication of waste tracking document language. Based on discussion and feedback from agricultural associations, including the New York State Farm Bureau, revised requirements for the beneficial reuse tires to secure tarpaulins will be proposed to reduce retention of water while avoiding unnecessary cost to farmers.

Clarifications will also be made to Part 363 solid waste landfill requirements to ensure compliance with 40 CFR Part 258 federal requirements. Revisions will also include added language to the transition provisions to allow continued operation of authorized land clearing debris disposal facilities. Clarification will be added to restrict the types of solid waste management facilities allowed to operate inside of a mine within Nassau and Suffolk Counties.

Due to concerns raised related to groundwater quality on Long Island and the potential for mulch processing and composting facilities to contribute to groundwater contamination, the proposed rule will incorporate the requirements of a recent state law addressing these concerns. The rule will include requirements for quarterly groundwater quality monitoring at these facilities and require storage area liners in certain circumstances. The proposal will also improve and simplify the process for municipalities to receive municipal waste reduction and recycling grants.

The Department anticipates that the proposed amendments will be available for public comment in late Fall 2018.

Proposed 6 NYCRR Part 368 Product Stewardship and Product Labeling

The DEC continues to develop draft regulations to help with the implementation and increased overall performance of the NYS Electronic Equipment Recycling and Reuse Act program. The proposed regulations will clarify numerous statutory requirements for electronics manufactures and e-waste management facilities covered under the Act. The proposed regulations would be part of a more comprehensive regulatory proposal that would also update Recycling Labeling requirements; Mercury-Added Consumer Product Labeling; including the new Electronic Waste Collection, Recycling and Reuse regulations. The draft regulations are expected to be available for public review later this summer.

As reported to the Department, for the 2017 program year, e-waste collection and recycling was at an all-time high at 106.2 million lbs. being collected and the 2018 statewide goal was increased 3.4 million lbs. over the previous year to 102.8 million lbs.