

New York:

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OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK

TITLE 6. DEPARTMENT OF ENVIRONMENTAL CONSERVATION

CHAPTER IV. QUALITY SERVICES

SUBCHAPTER B. SOLID WASTES

PART 360. SOLID WASTE MANAGEMENT FACILITIES

SUBPART 360-12. RECYCLABLES HANDLING AND RECOVERY FACILITIES

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360-12.1 Applicability.

(a) Facilities regulated.

This Subpart regulates recyclables handling and recovery facilities. For the purposes of this Subpart, paper materials are not considered putrescible if not otherwise contaminated. If putrescible material or other solid waste is received at the facility, the facility must comply with the requirements of Subpart 360-11 of this Part. Facilities which separate recyclables from construction and demolition debris or are described under section 360-16.1 of this Part, are considered construction and demolition debris processing facilities subject to the requirements of Subpart 360-16 of this Part.

(b) Exempt facilities.

In addition to the exemptions provided for under subdivision 360-1.7(b) of this Part, the following facilities are exempt from regulation under both this Subpart and Subpart 360-11 of this Part:

(1) Returnable beverage container redemption operations conducted at a dealer, distributor or redemption center (as defined by Part 367 of this Title) or solely on behalf of a dealer, distributor or redemption center.

(2) Manufacturing facilities.

For the purposes of this Subpart, manufacturing facility means a facility which accepts a single general type of source separated, non-putrescible recyclable, including, but not limited to glass, plastics, metals or paper, and which produces, through physical chemical transformation of the material, a marketable product that is then leased, sold, used by a manufacturer or offered for sale or offered for promotional

purposes to a consumer as a product and is not disposed of by the manufacturer. Manufacturing facilities which store or process more than one type of recyclable may be exempt provided they comply with the requirements of this paragraph and the department has issued an exemption in writing to the owner or operator of the facility. The owner or operator of the facility must submit a written request for an exemption to the department with details of the facility's operations. The department shall determine whether or not the facility is a manufacturing facility which is exempt from regulation under this Subpart.

(3) Buy-back centers.

Buy-back center, for the purposes of this Subpart, means a facility that purchases source separated, nonputrescible, recyclables from the public and accepts no other solid waste materials.

(4) Waste tire retreaders and the processing of waste tires for energy recovery onsite are exempt from this Subpart provided the facility complies with the requirements of paragraph 360-13.1(d)(1) of this Part.

(5) An intermediate processor provided all solid waste handled at the facility is sent for recycling or disposed of appropriately.

(c) Automobile dismantlers reporting requirements.

Automobile dismantlers, scrap metal processors, automobile junkyards, facilities that recover metal from sludges that are not hazardous waste which are required to be managed at a facility subject to regulation under Part 373 or 374 of this Title, and metal salvage facilities are exempt from regulation under this Part, except as follows: the owner or operator of each of these facilities must provide the department with an annual report that details how the waste fluids (including, but not limited to, refrigerants, oil and transmission fluids) are disposed. Duplicate originals of this report must be submitted to the department's central office and the office of the department administering the region within which the facility is located no later than 60 days after the first day of January following each year of operation or portion thereof.

(d) Registration.

(1) The following regulated solid waste management facilities identified in this subdivision are subject to the registration provisions of subdivision 360-1.8(h) of this Part rather than the permit provisions of this Part, provided all the applicable requirements of subdivision 360-1.8(h) and this subdivision are met. Recyclables handling and recovery facilities exclusively handling source separated, non-putrescible solid waste that generate less than two tons or 15 percent of their average intake per day (whichever is greater) as residue based on a full year of operation.

(2) In addition to the requirements of this subdivision the following conditions must be satisfied:

(i) The department may require surety in an amount and under terms it determines appropriate as a condition to accepting the registration form for facilities that are not owned or operated by a

municipality. If surety is requested as a condition of registration, the amount of the surety shall be based in part on the estimated cost to dispose of the maximum potential amount of recyclables to be located at the facility at a department approved disposal facility unless otherwise approved by the department.

(ii) If the facility owner or operator does not submit a completed registration form acceptable to the department, in accordance with subdivision 360-1.8(h) and subparagraph 360-1.7(a)(3)(v) of this Part, the facility owner or operator may be required to comply with all applicable provisions of this Part, including all requirements of Subpart 360-11 of this Part, unless otherwise determined in writing by the department.

(3) In addition to the operational requirements listed in subdivision 360-1.8(h) of this Part, the operational requirements of this Subpart must be satisfied.

(e) Other recycling activities.

(1) Combination facilities.

Recyclables stored, collected or processed at facilities requiring a permit under other provisions of this Part must also comply with the operational requirements of section 360-12.2 except for paragraph 360-12.2(a)(1) of this Subpart.

(2) Post-collection separation facilities. Facilities which separate recyclables from solid waste, other than from source separated recyclables or construction and demolition debris, are required to:

(i) obtain a permit to construct and operate in accordance with the requirements under Subpart 360-11 of this Part;

(ii) comply with all applicable operational requirements of section 360-12.2 (except for paragraph 360-12.2[a][1]) and section 360-11.4 of this Part; and

(iii) comply with all other applicable requirements of this Part.

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360-12.2 Operational requirements.

In addition to the requirements set forth in subdivision 360-1.8(h) of this Part, the owner or operator of a recyclables handling and recovery facility (other than those facilities described in subdivisions 360-12.1[b] and 360-12.1[c] of this Subpart) must operate in compliance with the operational requirements of this section. Failure to comply with these operational requirements may result in the revocation of any exemptions previously granted by the department and may subject the owners or operators to all otherwise applicable portions of Part 360 including permitting under Subpart 360-11 of this Part.

(a) Receipt and handling of solid waste.

(1) The facility may receive only source separated nonputrescible recyclables which may be further processed.

(2) External storage of paper and other recyclables whose marketability may be adversely affected by exposure to the sun or weather conditions is prohibited unless stored in covered containers or in a manner otherwise acceptable to the department. Solid waste separated for recycling must be stored separately and maintained in a safe, sanitary and orderly manner to ensure its marketability is not adversely affected. Solid waste which the facility does not intend to recover and which does not contain putrescible material may be stored for a period not to exceed two weeks unless otherwise acceptable to the department. No person shall store solid waste or recyclables at the facility in such a manner that they become a nuisance or a sanitary or environmental problem.

(3) All indoor and outdoor storage, handling and tipping areas must include appropriate fire detection and protection equipment, and be accessible by fire fighting equipment.

(4) The site and facility must have adequate drainage, be drained and be free of standing water.

(5) All solid waste passing through the facility must ultimately be recycled or be disposed of at a solid waste management facility authorized by the department if in this State, or by the appropriate governmental agency or agencies if located in other states, territories, or nations.

(6) In addition to the above requirements, for facilities handling materials containing refrigerants, the refrigerants must be properly removed and managed prior to crushing or shredding of the materials.

(7) Incidental putrescibles or putrescible residues may be stored for a period not to exceed one week.

(b) Storage.

Nonputrescible recyclables may be stored for up to 60 days. Recyclables may be stored for a longer period of time with department approval if the department determines:

- (1) there is a demonstrated need to do so (such as a market agreement with terms of receipt based on greater than 60-day intervals or volumes that may take longer than 60 days to acquire);
- (2) there is sufficient department-approved storage area;
- (3) an inventory methodology including a daily log system is used to ensure that the recyclables do not remain on the facility site for longer than specified; and
- (4) the inventory methodology is provided to and approved by the department before storage begins.

(c) Access.

The owner or operator must restrict the presence of, and minimize the possibility for, any unauthorized entry onto the facility. Any person entering the facility during regular business hours must be directed to report to the facility office by appropriate signs located at facility entrances and other locations in sufficient number to be seen from any approach to the facility. In the case of facilities allowing local residents to bring in materials, a designated area to do so must be provided in order to minimize potential accidents and unauthorized entry.

(d) Reporting and recordkeeping.

In addition to the requirements of subdivisions 360-1.4(c) and 360-1.14(i) of this Part, the facility owner or operator must:

- (1) Prepare and file an annual report, in accordance with paragraph 360-1.8(h)(8) of this Part.
- (2) For facilities identified in paragraph 360-12.1(d)(1) of this Subpart, the owner or operator must maintain daily records for facility monitoring. This monitoring information must include a daily log specifying the date, signature of the individual recording the information, the quantity and destination of recyclables sent from the facility by major material category, and the quantity and destination of residue and solid waste sent from the facility for disposal. These records must account for all materials handled at the facility. If the facility is otherwise exempt under Subpart 360-11 of this Part, the daily records for facility monitoring shall only include the quantity and destination of recyclables sent from the facility by major material category.
- (3) Municipalities which own or operate more than one recyclables handling and recovery facility, may combine the information required for each facility into a single report or submit this information to the department as part of the compliance report as stipulated within Subpart 360-15 of this Part, provided the municipality identifies each recyclables handling and recovery facility included in the combined information.

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