

New York Codes, Rules and Regulations

Title 6 - Environmental Conservation

Chapter IV - Quality Services

Subchapter B - Solid Wastes

Part 360 - Solid Waste Management Facilities

Sec. 360.2 Definitions.

(198) Person means any individual, public or private corporation, political subdivision, government agency, school, institution, university, authority, department or bureau of the state, municipality, industry, partnership, association, firm, trust, estate, or any other legal entity.

(283) Tree debris means waste consisting of tree and shrub parts, including branches, stumps, and trunks, as well as other similar woody vegetation. Tree debris does not include pallets or dimensional lumber and other similar wood material used in construction.

Sec. 360.9 Prohibited activities.

(b) Person(s) must not:

(3) dispose of waste, beyond initial collection, except at:

(i) a disposal facility exempt from the requirements of Parts 360 or 363 of this Title; or

(ii) a disposal facility authorized by the department to accept the waste;

Part 363 - Landfills

Subpart 363-2 - Exempt Facilities

Sec. 363-2.1 Exempt facilities.

The following activities or facilities are exempt from this Subpart.

(a) The storage, processing, and disposal of solid waste generated by an owner-occupied single-family residence provided all activities occur on the property where the waste was generated, with the exception of the following wastes:

(1) manufactured homes being disposed of that are not the owner's primary residence;

(2) friable asbestos-containing waste;

(3) waste tires;

- (4) septage;
- (5) raw sewage;
- (6) syringes;
- (7) pesticides and pesticide containers;
- (8) electronic waste;
- (9) mercury-added consumer products, including mercury thermostats;
- (10) household hazardous wastes (HHW);
- (11) rechargeable or lead-acid batteries;
- (12) used oil; and
- (13) antifreeze.

(b) The storage, processing, and disposal of solid waste generated from farm-related activities provided all storage, processing and disposal occurs on a farm, though not necessarily the generating farm, excluding construction and demolition (C&D) debris and wastes identified in subdivision (a) of this section.

(c) An individual grave, including one at a pet cemetery, for the burial of one animal carcass. Animal cremains may be buried or spread on the soil surface provided the ash amount does not represent more carcasses in a given area than would be allowed if the animals were buried in individual graves.

(d) A facility for the disposal of up to ten road-killed animals in the right-of-way of a public highway provided the facility is at least 200 feet from drinking water wells and 50 feet from any residence, surface water, or any other disposal area for road-killed animals. The animals must be placed at least two feet above groundwater and must be covered with at least three feet of soil.

(e) A disposal facility for drill cuttings generated by air- or water-based drilling methods, overburden, tailings, and other similar mining and drilling waste when generation and disposal occur at the same mine or well location subject to regulation under Parts 420-425 and 550-559 of this Title.

(f) A disposal facility for the burial of no more than 10 cubic yards of religious items limited to paper, parchment, leather, and fabric in accordance with applicable religious practices and covered by at least two feet of soil from the same excavation.

(g) A tree debris disposal facility, except those located in Nassau or Suffolk counties, used for the disposal of tree debris provided the facility complies with the following conditions:

(1) no fee or other form of consideration is obtained for using the facility or for acceptance or placement of tree debris;

(2) the tree debris is only accepted during daylight hours between sunrise and sunset;

(3) no more than one acre of the facility is utilized for tree debris disposal during the lifetime of the facility; and

(4) tree debris is placed above the seasonal high groundwater table and no waste is placed in a surface water body.

(h) A facility, except those located in Nassau or Suffolk counties, where waste consisting only of recognizable, uncontaminated concrete or concrete products (including those that have embedded steel or fiberglass reinforcing rods), asphalt pavement, brick, glass, rock, and general fill from construction and demolition activities, is accepted for disposal, and which complies with the following conditions:

- (1) no fee or other form of consideration is obtained for using the facility or for acceptance or placement of the waste;
- (2) the waste is only accepted during daylight hours between sunrise and sunset;
- (3) the waste does not include residues from C&D debris handling and recovery facilities;
- (4) waste is placed above the seasonal high groundwater table and no waste is placed in a surface water body; and
- (5) no more than a total of 5,000 cubic yards of waste is received during the lifetime of the facility.

(i) A facility except those located in 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 (including those that have embedded steel or fiberglass reinforcing rods), asphalt pavement, brick, glass, rock, general fill, and restricted-use fill from construction and demolition activities, and which complies with the following conditions:

- (1) the waste does not include residues from C&D debris handling and recovery facilities; and
- (2) waste is placed above the seasonal high groundwater table and no waste is placed in a surface water body.