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NY-CRROFFICIAL 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 GENERAL REQUIREMENTS

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360.15 Registered facilities, transporters and collection events.**(a) General.**

(1) Certain facilities, transporters, or collection events may be eligible for registration pursuant to the conditions specified in this section and under Parts 361, 362, 363, 364, and 365, and Subpart 374-2 of this Title. The owner or operator of the facility or collection event required to be registered must comply with the design, operating, closure, and financial assurance criteria found in this Part and in Parts 361, 362, 363 and 365 of this Title unless otherwise excluded. Transporters required to be registered must comply with the operating requirements in section 364-3.3 of this Title.

(2) Registrations are ministerial actions for purposes of Part 617 of this Title and are not subject to Part 621 of this Title.

(3) Multiple registered facilities. For facilities registered or eligible for registration under Part 361 or 362 of this Title:

(i) on-site operation of more than one registered facility engaged in the same solid waste management activity is prohibited; and

(ii) for two or more solid waste management activities registered or eligible for registration pursuant to Part 361 and 362 of this Part, the department may, in lieu of a registration, require a permit if the combined activities on-site have the potential to cause a significant adverse impact on the environment.

(4) Facilities or collection events that would otherwise qualify for registration and are located at a permitted facility, or on contiguous property with the same ownership or control as the permitted facility, may be required to have the facilities or collection events incorporated into the permit and comply with any permit conditions placed on those activities.

(b) A registration can be denied or revoked based upon the unsuitability of the owner, operator or applicant, as set forth in this subdivision. In addition to any other available grounds, the department may, consistent with the policies of article 23-A of the Correction Law and the provisions of section 70-0115 of the ECL, deny, suspend, revoke or modify any registration after determining in writing that such action is required to protect the public health or safety. Some of the factors which the department may consider in arriving at such determination include:

(1) the owner, operator or applicant has been determined in an administrative, civil or criminal proceeding to have violated any provision of the ECL or other environmental law administered by the department, any order or determination of the commissioner, any regulation of the department, or any similar statute, regulation, order or permit condition of the Federal, other state, or local government agency, on one or more occasions, and in the opinion of the department, the violation that was the basis for the action posed a potential for significant adverse impacts to public health or the environment, or represents a pattern of noncompliance;

(2) the owner, operator or applicant provides materially false or inaccurate information or statements on the registration form;

(3) the owner, operator or applicant has in any matter within the jurisdiction of the department knowingly falsified or concealed a material fact, knowingly submitted a false statement or made use of or made a false statement on or in connection with any document or application submitted to the department; or

(4) the owner, operator or applicant is either:

(i) an individual who had a substantial interest in or acted as a high managerial agent or director for any corporation, partnership, association or organization which committed an act or failed to act, and such act or failure to act could be the basis for the denial of a permit or registration pursuant to this Part, if such corporation, partnership, association or organization applied for a permit or registration pursuant to this Part; or

(ii) a corporation, partnership, association, organization, or any principal thereof, or any person holding a substantial interest therein, which committed an act or failed to act, and such act or failure to act could be the basis for the denial of a permit or registration pursuant to this Part, if such corporation, partnership, association or organization applied for a permit or registration pursuant to this Part; or

(iii) a corporation, partnership, association or organization, or any high managerial agent or director thereof, or any person holding a substantial interest therein, acting as high managerial agent or director for or holding a substantial interest in another corporation, partnership, association or organization which committed an act or failed to act, if such act or failure to act could be the basis for the denial of a permit or registration pursuant to this Part had such other corporation, partnership, association or organization applied for a permit or registration under this Part.

(c) Submission.

(1) The owner or operator must notify the department on a form prescribed by the department before commencement of construction or operation of any facility or activity subject to registration requirements found in this Part or Parts 361 through 365 of this Title. In addition, the owner or operator must provide information on any exempt facilities, collection events, or activities that will take place at the registered facility.

(2) The owner or operator must declare both the intended storage volumes for the facility based on the size and orientation of the site and the maximum throughput limits for the facility on a registration form acceptable to the department.

(3) The owner or operator must furnish to the department any information requested by the department to determine compliance with the registration requirements. This information must include a site plan which describes the management of solid waste at the facility and, if appropriate, a certificate under seal of the Department of State.

(d) Financial assurance.

Financial assurance may be required under section 360.22 of this Part. If financial assurance is required, a closure cost estimate must be submitted as part of the registration submittal.

(e) Validation.

Commencement of construction or operations must not occur until the owner or operator receives a validated copy of the registration from the department. The validated copy of the registration must be available or posted at that facility or collection event. All construction and operation must be in accordance with the information provided in the registration notification and the applicable requirements of this Part, Parts 361, 362, 363, 364, and 365, and Subpart 374-2 of this Title.

(f) Registration term.

A validated registration will be effective for a maximum of five years, except in the case of Part 364 of this Title waste transporters and households hazardous waste collection events. The registration term for household hazardous waste collection events and Part 364 waste transporters is specified in sections 362-4.2 and 364-3.2 of this Title, respectively. Requests for renewal of a registration must be received by the department at least 60 days prior to expiration of the registration.

(g) Registration modification.

The owner or operator of a registered facility or collection event or transporter must submit a new registration modification to the department when there is a proposed change in any information provided on any prior registration notification submitted to the department. The modification cannot be implemented until the owner or operator receives a validated copy of the modified registration from the department.

(h) Closure.

The owner or operator of a registered facility is required to close the facility in accordance with the requirements of this Part, Parts 361, 362, 363, and 365 and Subpart 374-2 of this Title as they pertain to the facility.

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Current through August 31, 2018

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