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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 363. LANDFILLS
SUBPART 363-7. OPERATING REQUIREMENTS6 CRR-NY 363-7.1
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363-7.1 Operating requirements.

In addition to the operating requirements set forth in section 360.19 of this Title, all landfills regulated under this Part must comply with this section.

(a) Waste control requirements.

- (1) Final external slopes must not be greater than 33 percent, but interim external slopes may exceed 33 percent if the owner or operator demonstrates to the department's satisfaction that a proposed greater slope is stable and the slope will settle to 33 percent or less prior to closure of the landfill cell.
- (2) The first layer of waste placed above the primary leachate collection and removal system must be a minimum of five feet in compacted thickness, be of a select nature containing no large rigid objects, and be placed in a manner to avoid damage to the liner system.
- (3) Drilling and production waste may not be placed within 6 feet of the leachate collection and removal system or within 10 feet of any final cover.
- (4) Low-permeability or low shear-strength waste must be blended with other wastes to minimize waste mass instability and maximize leachate movement through the waste mass.

(5) Radioactive waste detection procedures and requirements.

- (i) Landfills which accept MSW or drilling and production wastes must install and operate a fixed radiation detection unit at a location appropriate for the monitoring of all incoming waste.
- (ii) The investigation alarm setpoint of the radiation detector must be set at least two times but no greater than five times site background radiation levels.
- (iii) Background radiation readings at the facility must be measured and recorded at least daily.
- (iv) Field checks of the radiation detector utilizing a known radiation source must be performed and recorded at least weekly.
- (v) The radiation detector must be calibrated at least annually or more often as recommended by the manufacturer, and documentation describing the calibration must be maintained at the facility.
- (vi) Each instance in which the radiation detector is triggered by a waste load must be documented and reported to the department within 24 hours. Recorded information must include the date the waste was received, transporter name, origin of the waste, truck number or other identifying marking, detector reading, disposition of the waste, and date of disposition.

(b) Operating cover.

Operating cover must be applied in accordance with the provisions of this subdivision and the cover material management plan.

- (1) Operating cover or alternative operating cover must effectively control vectors, fires, odors, dust, and blowing litter.
- (2) A minimum of six inches of compacted operating cover must be applied to all exposed waste at the close of each operating day, or at a more frequent interval if necessary, unless an alternative thickness or material is approved pursuant to section 363-6.21 of this Part.

(3) A minimum of 12 inches of compacted operating cover must be applied and maintained on all landfill surfaces where no additional waste has been or will be placed within 30 calendar days of the last placement of waste, unless an alternative thickness or material is approved pursuant to section 363-6.21 of this Part. If odor problems are not controlled, additional measures must be implemented.

(4) Alternative operating cover approved pursuant to section 363-6.21(c) of this Part must be identified in the facility's permit as a separate annual tonnage and be reported to the department.

(5) Alternative operating cover material approved pursuant to section 363-6.21(c) of this Part must be stored over a lined area of the landfill and run-off from the material must be managed as leachate.

(c) Intermediate cover.

An intermediate cover must be applied and maintained on all external slopes for every 20 feet of vertical rise.

(d) Final cover.

The final cover system must be installed and maintained in accordance with the requirements of Subpart 363-9 of this Part.

(e) Decomposition gases generated within a landfill must be controlled to prevent safety issues and off-site odors. Measures to control decomposition gases must be undertaken in accordance with the following requirements:

(1) in landfills which receive putrescible waste, horizontal landfill gas lines must be installed in the waste mass at a horizontal spacing of not more than 100 feet and a vertical spacing of not more than 20 feet and shall terminate at least 100 feet from the exterior slope of the waste mass;

(2) the concentration of methane and other explosive gases must not exceed 25 percent of the lower explosive limit for gases:

(i) at or beyond the property boundary; or

(ii) within on-site structures excluding gas management or recovery system components;

(3) an ongoing gas monitoring program must be implemented throughout the active life, post-closure care period, and custodial care period to ensure that the requirements of paragraph (2) of this subdivision are met. The type and frequency of monitoring must be approved by the department and be based on the following factors: soil conditions; the hydrogeologic conditions surrounding the disposal area; the hydraulic conditions surrounding the disposal site; and the location of any man made structures and property boundaries. Monitoring must be conducted at least quarterly;

(4) monitoring must be performed at 100-foot maximum intervals where temporary sampling locations are used, or at 400-foot maximum intervals where permanent gas monitoring wells are constructed. Initial monitoring must be performed when atmospheric pressure and wind velocity are low and when the ground surface has been wet or frozen for several days. Monitoring must be done below the wet or frozen zone if present;

(5) upon detection of methane or other explosive gas levels exceeding the limits specified in paragraph (2) of this subdivision, the landfill operator must immediately take action to avoid hazards to public health and the environment, and must:

(i) within 24 hours of detection, notify the department;

(ii) within seven days of detection, submit to the department the methane or other explosive gas levels detected and provide a description of the steps taken to protect health, safety, and property; and

(iii) within 30 days of detection, submit a plan and a schedule to remediate any continuing methane or other explosive gas releases. The plan must describe the nature and extent of the problem and the proposed remedy, and be implemented upon department approval.

(f) Leachate management.

(1) Leachate must be managed in accordance with the department-approved leachate management plan.

(2) Leachate depth (head) above the primary liner system may not exceed 12 inches, except during and within a seven day period following storm events and in designed sump areas. Both the primary and secondary leachate collection and removal systems must be operated in a free-draining manner so as not to cause a leachate head buildup above the respective liner system.

(3) All run off which either emanates from active portions of the landfill disposal areas covered only with alternative operating cover which was generated from waste or has come into contact with waste or leachate must be considered leachate and be appropriately managed by the landfill's leachate collection and removal system.

(4) Leachate must be monitored as required by section 363-4.6(f)(8)(iii) of this Part.

(5) Stormwater within the secondary containment area of the leachate storage tank system must be removed so as to maintain a minimum of 100 percent containment capacity for the largest storage tank within the secondary containment area.

(6) Stormwater that collects within the secondary containment system of the leachate storage tank system must be controlled by a manually operated pump or a gravity drain pipe with a manually controlled valve. If a gravity drain pipe is used, all valves must be in a closed position and locked except when the operator is in the process of draining uncontaminated stormwater.

(7) Allowable leakage rate. If flow within the secondary leachate collection and removal system exceeds 20 gallons per acre per day (based on a rolling 30 day average), the owner or operator must implement the following procedures, at a minimum:

- (i) notify the department within 72 hours from the time of the exceedance;
- (ii) sample and analyze secondary leachate for baseline parameters;
- (iii) submit a preliminary written assessment to the department within 14 days of the exceedance, which must include any short term actions that have either been taken or are planned, a description of the amount of liquid observed, and the suspected cause of the excessive leakage rate exhibited, considering precipitation events and the possible location, size and cause of potential leaks;
- (iv) investigate and determine, to the extent practicable, the location, size and cause of the leaks;
- (v) determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the cell for inspection, repairs, or controls, and whether the cell should be closed;
- (vi) determine any other short term or long-term actions to be taken to reduce the leakage rate;
- (vii) within 30 days after the notification that the allowable leakage rate has been exceeded, submit to the department the results of the determinations specified in subparagraphs (ii), (iv), (v), and (vi) of this paragraph, the results of the actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the secondary leachate collection and removal system exceeds the allowable leakage rate, a report must be submitted to the department summarizing the results of any remedial actions taken and actions planned in order to reduce the leakage to an allowable level; and
- (viii) take other measures as the department may require based on the significance of the leakage, including but not limited to cell or facility closure, if the leakage rate cannot be reduced to less than 20 gallons per acre per day within six months.

(g) Maintenance for primary and secondary leachate collection and removal systems.

- (1) The primary leachate collection and removal system must be cleaned annually and maintained in good operating condition. The owner or operator may request that the department waive the cleaning requirement based on the results of the video inspection in paragraph (2) of this subdivision. The department will not grant waivers in consecutive years.
- (2) Video inspection of any primary leachate collection and removal system and secondary leachate collection and removal system constructed in accordance with this Part must be performed at least biennially.
- (3) Monitoring of secondary leachate collection and removal system flowrates must be conducted and recorded daily when the facility is operating.
- (4) An operational log for recording monthly total leachate generation amounts and a maintenance log for documenting compliance with paragraphs (1)-(3) of this subdivision must be kept at the site and included in the landfill's annual report.

(h) Leachate recirculation.

- (1) Leachate recirculation is only allowed in cells constructed with double composite liners and in which active gas collection and destruction is performed. If allowed, the following conditions must be met.
 - (i) A leachate recirculation system must terminate no closer than 100 feet from the exterior slope of the waste mass.
 - (ii) Leachate recirculation rates must be established and primary leachate flowrates must be monitored to ensure that the receiving waste mass does not become saturated.
 - (iii) The landfill must demonstrate that the allowable leakage rate measured in the secondary leachate collection and removal system has not been exceeded during the previous 12 months.
- (2) During leachate recirculation, leachate must not be introduced directly onto operating cover.

(i) Moisture content of waste.

Wastes accepted for disposal must exhibit no free liquids and must contain a minimum of 20 percent solids. All dredged materials and sludges other than sewage sludge accepted for disposal must be dewatered to 20 percent or more solids and exhibit no free liquid as defined by SW-846 Method 9095 - Paint Filter Liquids Test, incorporated by reference in section 360.3 of this Title.

(j) Biosolids.

All biosolids accepted for disposal must be stabilized, dewatered to 20 percent solids, and exhibit no free liquid as defined by SW-846 Method 9095 - Paint Filter Liquids Test, incorporated by reference in section 360.3 of this Title. Biosolids that are disposed of

must meet the following stabilization criteria, except if it can be demonstrated to the department's satisfaction that the equivalent level of odor reduction can be achieved through alternative methods:

- (1) The biosolids must be either digested or lime stabilized. If lime is used, sufficient lime must be added to raise the pH of the sludge to 12 for at least 30 minutes. The level of treatment must be adequate to reasonably prevent nuisance conditions.
- (2) Biosolids cannot be accepted for disposal from a sewage treatment plant that has a biosolids treatment process other than digestion or lime stabilization unless one of the following criteria is satisfied:
 - (i) the mass of volatile solids in the biosolids has been reduced by a minimum of 38 percent;
 - (ii) for biosolids treated in an aerobic process, the specific oxygen uptake rate (SOUR) is equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis), at a temperature of 20° C;
 - (iii) the biosolids are composted for a minimum of 14 days. Throughout that treatment time, the temperature of the biosolids must remain higher than 40° C, and the average temperature of the biosolids must be higher than 45° C;
 - (iv) the percent solids of the biosolids are equal to or greater than 75 percent.

(k) Friable asbestos-containing waste disposal.

Friable asbestos-containing waste or material contaminated with friable asbestos-containing waste may only be disposed of at a landfill if the following measures and precautions are taken:

- (1) the landfill must have a protocol in place as part of their waste control plan describing procedures for receipt of friable asbestos-containing waste and placement in the landfill;
- (2) the area designated for disposal of friable asbestos-containing waste must be recorded on an operations site plan so that precautions can be taken to properly handle the friable asbestos-containing waste in the event of future construction or regrading in this area;
- (3) the friable asbestos-containing waste must either be placed into a pre-dug trench in the existing waste or at the bottom of the working face. The friable asbestos-containing waste must be backfilled or covered with at least 3 feet of waste or 18 inches of soil before compaction to isolate the friable asbestos-containing waste; and
- (4) friable asbestos-containing waste must be prevented from becoming airborne or coming into contact with landfill equipment.

(l) Non-friable asbestos-containing waste disposal.

Non-friable asbestos-containing waste may be disposed of at a landfill, provided it is not reduced in size, crushed, or processed in any manner before being placed under operating cover or another lift of waste.

(m) Inspection for unauthorized waste.

At a minimum frequency of once per week, the owner or operator must select a waste collection vehicle at random and unload its waste for a detailed inspection for unauthorized wastes. A record of the results of this inspection must be kept on the premises and be available for department review.

(n) Weight scales.

Any landfill that accepts at least 20 tons of waste per day averaged over the operating days for a calendar year must install and utilize a scale. Landfills that accept less than 20 tons of waste per day must utilize a department-approved alternate means of quantifying the weight of waste received.

(o) Disposal prohibitions.

Disposal of the following is prohibited:

- (1) waste tires, except solid rubber tires (non-pneumatic);
- (2) lead acid batteries;
- (3) source-separated recyclables, source-separated HHW, source-separated electronic waste, source-separated rechargeable batteries, source-separated mercury-containing products, and other source-separated items that are subject to legislatively enacted product stewardship programs in New York State;
- (4) mercury-added consumer products as defined in ECL section 27-2101 or mercury-added thermostats as defined in ECL section 27-2901;
- (5) bulk liquids. Liquid containers that are generated from households and that contain five gallons or less of liquids are not considered bulk liquids;
- (6) hazardous waste as defined in Part 371 of this Title;

(7) low-level radioactive waste, processed and concentrated naturally occurring radioactive material (NORM) waste, or nuclear accelerator-produced radioactive material (NARM) waste as defined in Parts 380, 382, and 383 of this Title that are required by Parts 380 and 383 of this Title to be disposed of at a Part 383 of this Title permitted facility;

(8) wastes, excluding firebrick, which exhibits a concentration greater than 25 pCi/g of radium-226;

(9) fluids produced from an oil or gas production well, including flowback water and production brine; and

(10) any other materials prohibited by law.

(p) Industrial waste or drilling and production wastes, if accepted, must be included in the landfill's waste control plan, which must describe any special handling or disposal procedures associated with the waste.

(q) Training requirements.

(1) Landfill operations must be directed by a facility operator who has attended and successfully completed within 12 months of their date of employment, a landfill operations training course which is approved by the department. The operator must renew this training every five years. Proof of training must be kept on file at the facility.

(2) Training related to radiation detection system operating procedures and radiation investigation alarm response procedures must be conducted at least annually.

(r) All landfills must submit to the department a deed description within one year of the effective date of the permit. The deed description must include a discussion of the planned site life for the landfill operation with a general description of the types of waste received and description of the proposed landfill end use. Upon facility closure, an updated property deed description must be submitted to the department. This updated deed description must indicate the period of time during which the property has been used as a landfill, describe the wastes contained within the landfill, and must note that records for this facility have been filed with the department. The deed description must include a survey and a map, all of which must be filed with the county clerk. The survey must clearly indicate the limits of the disposal areas within the property boundary. The deed description must indicate that the closed landfill is subject to a post-closure care plan and a custodial care plan filed with the department.

(s) The landfill must maintain financial assurance in an amount sufficient to cover the cost of closure, post-closure care, custodial care, and corrective measure, if required, as specified by this Subpart and section 360.22 of this Title.

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