

1 **2022 NYSAC Fall Seminar**
2 **Standing Committee on Economic Development, Environment & Energy**
3 **Resolution #1**

4
5 **Resolution Requesting Revisions to NYSDEC’s Proposed Part 360 Series**
6 **Regulations**

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8 **WHEREAS**, the New York State Association of Counties (NYSAC) appreciates the New
9 York State Department of Environmental Conservation (NYSDEC)’s efforts to
10 streamline the Part 360 Series solid waste regulations through the rulemaking process
11 that began on May 18, 2022; and

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13 **WHEREAS**, many of the proposed revisions to the Part 360 regulations provide
14 helpful clarifications and changes that counties support to further protect the
15 environment; and

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17 **WHEREAS**, several sections of the regulations could have a significant negative impact
18 on New York State’s ability to manage our own waste in an efficient and
19 environmentally sound manner; and

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21 **WHEREAS**, the proposed revisions to Subpart 361-3.2, which would extend the
22 operating criteria for composting facilities from 200 to 500 feet for facilities handling
23 more than 1,000 cubic feet of source separated organics (SSO), could unnecessarily
24 restrict co-locating similar facilities that would beneficially use composted materials;
25 and

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27 **WHEREAS**, the proposed language in subparts 362-3.3(c)(7), 362-3.5(k), 362-1.5(h),
28 and 363-7.1(t), regarding the 2019 Food Donation and Food Scraps Recycling Law,
29 create an impractical expectation for transfer facilities, combustors, and landfills to
30 enforce the law at the point of generation; and

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32 **WHEREAS**, it should be NYSDEC’s responsibility to enforce the Food Donation and
33 Food Scraps Recycling Law upstream of transportation, transfer, and end-use facilities;
34 and

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36 **WHEREAS**, the proposed revisions to Subpart 363-5, which would arbitrarily prohibit
37 new landfills and lateral and vertical expansions of existing landfills within 1,000 feet of
38 a school or legal place of residence, would impact 20 of the 25 active landfills in New
39 York State and, therefore, impact the available landfill capacity for waste generated
40 within the state; and

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42 **WHEREAS**, by restricting disposal capacity within the state, more exportation of waste
43 to out-of-state destinations will be necessary, resulting in more vehicle miles travelled
44 for disposal and increasing the associated vehicle emissions; and

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46 **WHEREAS**, a detailed State Environmental Quality Review Act (SEQR) environmental
47 impact assessment is already required for all proposed landfill expansions and includes

1 a scientific process by which the required setback is determined based upon site-specific
2 metrics; and

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4 **WHEREAS**, the proposed changes to Subpart 363-6.6, which would require double
5 composite liner systems for certain landfills and require the use of an 80-mil
6 geomembrane in composite liner systems for facilities outside of Long Island, are not
7 supported by evidence that the current requirements are not protective of groundwater
8 quality; and

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10 **WHEREAS**, this arbitrary increase in liner thickness will increase the cost of liner
11 purchases by 30 percent, which will result in approximately \$250,000 in new annual or
12 biannual costs for local governments and public authorities that own landfills.

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14 **NOW, THEREFORE, BE IT RESOLVED**, that NYSAC respectfully requests
15 NYSDEC provide technical justification for extending the operating criteria for
16 composting facilities from 200 feet to 500 feet for facilities handling more than 1,000
17 cubic yards of SSO; and

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19 **BE IT FURTHER RESOLVED**, NYSAC requests NYSDEC amend the sections of
20 regulations pertaining to the 2019 Food Donation and Food Scraps Recycling Law to
21 clarify that the regulations apply only to *source separated* food scraps; and

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23 **BE IT FURTHER RESOLVED**, NYSAC requests that NYSDEC remove the
24 prohibitions on new landfills and landfill expansions within 1,000 feet of a school or
25 residence, as they are a blatant overreach of the Department's regulatory authority; and

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27 **BE IT FURTHER RESOLVED**, NYSAC requests NYSDEC provide justification for
28 the proposed changes to liner system requirements and withdraw these changes should
29 they be unable to provide evidence that the current requirements do not protect
30 groundwater quality; and

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32 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties
33 of New York encouraging member counties to enact similar resolutions; and

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35 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
36 the Governor of the State of New York, NYSDEC Commissioner Basil Seggos, and all
37 others deemed necessary and proper.

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