

***NYSDEC Solid Waste Management
Facility Permit Application:
Application Narrative***

for the:

**Dom-Mar Transfer and Recycling Facility
1118 and 1138 Dolsontown Road
Wawayanda, New York 10940
NYSDEC Permit No. T.B.D.**

July 2023

prepared for:

DOM KAM LLC
366 Highland Avenue Ext.
Middletown, New York 10940

prepared by:



EnSol, Inc.
661 Main St.
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- Table 1 – Part 360: General Requirements
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1. Introduction

1.1 Facility Definition

DOM KAM LLC of Middletown, New York is proposing to construct a solid waste transfer and recycling facility (Dom-Mar Transfer and Recycling Facility or Facility) in the Town of Wawayanda, Orange County, New York.

The Dom-Mar Transfer and Recycling Facility (Facility) will be comprised of two main process areas, a recyclables area and a solid waste area, as well as an administration building for general operations support. Activities conducted within the solid waste area will consist of consolidation and transfer of municipal solid waste (MSW), Construction and Demolition debris (C&D), and Industrial Waste (IW) for disposal. Activities conducted within the recyclables area will consist of consolidation and transfer of various recyclable materials (Old Corrugated Containers (OCC) and fiber, Single Stream Recyclables (SSR), Source Separated Organics (SSO), unadulterated wood, tires, and Product Stewardship materials/electronic waste) for further processing.

1.2 Site Description

The project area consists of two current parcels 6-1-3.31 and 6-1-3.32 located at 1138 and 1118 Dolsontown Road respectively in the Town of Wawayanda. The parcels are located on the south side of Dolsontown Road approximately 0.6 miles east of the intersection of Dolson Avenue and Dolsontown Road. The 6-1-3.32 parcel has an approximate area of 39.20 acres, and the 6-1-3.31 parcel has an area of 5.10 acres, providing a contiguous area of 44.3 acres. The entire Facility shall be located entirely on one parcel, which will consist of combining tax parcels 6-1-3.31 and 6-1-3.32 through a lot line change plat to be submitted to the Town of Wawayanda Planning Board and the Orange County Clerk.

Parcel 6-1-3.32 contains multiple vacant farm buildings and a silo, the property is classified as a dairy farm. Parcel 6-1-3.31 contains a residential house, and a commercial building, the property is classified as a one-use small building. The parcels are zoned MC-1 Mixed Commercial, per chapter 152-17 A. (3) of the Town of Wawayanda Town Code a solid waste management facility may be permitted as a special use in the MC-1 zoning district. The surrounding land use is commercial, vacant industrial, and single family residential. The project location is shown on the Regional Map included on **Figure 1**. The Vicinity Map (**Figure 2**) identifies zoning and land use, residences, surface waters, and wetlands within one-half mile of the perimeter of the property boundary.

1.3 Regulatory Compliance

As described in further detail below (Section 1.5), the proposed Facility will be regulated by the New York State Department of Environmental Conservation (NYSDEC) solid waste regulations as codified in Title 6 of the New York Codes, Rules and Regulations (6 NYCRR). Items or statements in the enclosed documents demonstrating compliance with a specific regulation will be followed with the specific regulation reference in italics. For example a reference to the Solid Waste Management Facilities General Requirements: Permit Application Requirements will be followed by *(360.16)*. The Regulatory Compliance Evaluation Tables, along with the text and contents of the Plans provided herein, provide summaries of the proposed Facility's compliance with individual regulatory requirements. The Regulatory Compliance Evaluation Tables are included in Attachment 1 of this Narrative.

1.4 Application and Contact Information

The completed Part 360 Solid Waste Management Facility (SWMF) Application form (360.16(a)), certificate under seal (360.16(c)(1)(iv)), parcel deeds, landowner consent (360.16(c)(1)(iii)), and the Applicant's Record of Compliance (360.16(e)) are included in the accompanying Forms and Applicant Information section. As indicated in these materials, the following identify the property owner(s), Applicant, Facility Owner, and Facility Operator:

Applicant, Facility Owner, and Facility Operator:

DOM KAM LLC (Michael Marangi)

Phone Number: 845-343-5566

Email: mikemarangi@aol.com

Address: 366 Highland Avenue Ext. Middletown, New York

Property Owner(s):

Parcel 6-1-3.31:

DOM KAM LLC

366 Highland Ave. Ext.

Middletown New York 10940

Parcel 6-1-3.32:

366 HIGHLAND DMI LLC

366 Highland Ave. Ext.

Middletown New York 10940

The documents included in the Permit Application package include the following:

1. Application Narrative
 - Regulatory Compliance Evaluation Tables
2. Application Forms
 - Application for a Solid Waste Management Facility Permit
 - Applicant's Articles of Incorporation (Certificate Under Seal)
 - Parcel Deeds and Landowner Consent
 - Record of Compliance – Permit Application Supplement
3. Environmental Assessment Form and SEQR Documents
 - Environmental Assessment Form and Supporting Documents (Chazen, May 2021)
 - Principal or Primary Aquifer evaluation letter (Chazen, May 2021)
 - USACE Jurisdictional Determination letter dated January 5, 2022
4. Engineering Report
5. Facility Manual
6. Construction Stormwater Pollution Prevention Plan (SWPPP)
7. Public Participation Plan (PPP)
8. PPP Interim Progress Report

9. PPP Final Progress Report

10. Town Board Hours of operation Waiver Request and Waiver

1.5 Permits and Approvals

The design and operation of the facility is described in further detail in the accompanying application documents as indicated in the Table of Contents. Operation of the Facility is subject to the following NYSDEC solid waste regulations:

- 6 NYCRR Part 360 – Solid Waste Management Facilities General Provisions
- 6 NYCRR Subpart 361-1 – Recyclables Handling and Recovery Facilities (RHRF)
- 6 NYCRR Subpart 361-5 – Construction and Demolition Debris Handling and Recovery Facility (CDDHRF)
- 6 NYCRR Subpart 362-3 – Transfer Facilities

A NYSDEC solid waste management Facility permit will be required for the MSW/C&D/IW transfer operations, the C&D handling and recovery operations, and the recyclable material handling and transfer operations. Applications for Town of Wawayanda Site Plan and Special Use Permit, Water, Sewer and Building Department approvals are in progress. A building permit will be required for the proposed Facility and associated construction.

A Construction Storm Water Pollution Prevention Plan (SWPPP) is required as construction of the Facility will disturb greater than one acre of land. The Construction SWPPP and a Notice of Intent (NOI) will be submitted to the NYSDEC after approval of the Part 360 permit and prior to beginning construction. Upon completion of construction a Notice of Termination (NOT) for the construction SWPPP will be filed and a separate NOI/SWPPP for coverage of the Facility's operations under the SPDES (State Pollution Discharge Elimination System) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity will be submitted to NYSDEC.

The project is also subject to the State Environment Quality Review Act (SEQR) Article 8 of the Environmental Conservation Law. The status of the SEQR is discussed in Section 2 of the Application Narrative.

2. State Environmental Quality Review

The SEQR is concurrently being coordinated with the Town of Wawayanda, through a full Environmental Assessment Form (EAF) and associated evaluation documents. The EAF and various supporting evaluations were completed by Chazen Engineering, Land Surveying & Landscape Architecture Co., D.P.C. of Poughkeepsie, NY (Chazen). Chazen's original EAF submittal and subsequent submittals are included in the accompanying EAF and SEQR Documents.

The Town of Wawayanda Planning Board as the lead agency has found that the project, considered together with other proposed and recently approved projects along Dolsontown Road, generally located from the intersection of Dolsontown Road and Route 17M to McVeigh Road ("Dolsontown Corridor"), may have significant cumulative common impacts. The Town of Wawayanda Planning Board has commissioned a Generic Environmental Impact Statement (GEIS) to be prepared to convey general and technical information regarding the potential significant cumulative common impacts of the development of the Dolsontown Corridor to the Town of Wawayanda Planning Board (as Lead Agency), as well as several other agencies involved in the review of projects proposed for the Dolsontown Corridor. The GEIS is intended to evaluate potential impacts to the roadway system, water and sewer infrastructure, stormwater discharges, the potential presence of threatened or endangered species and the potential presence of important historical and archeological resources. The GEIS may be used to support objective findings on approvals requested for the projects along the Dolsontown Corridor. The Town of Wawayanda Planning Board voted to approve and adopt findings of the Dolsontown Corridor Final Generic Environmental Impact Statement (FGEIS) on April 26, 2023.

3. Siting Evaluation

The following are provided as an evaluation of if the proposed location of the Facility complies with the prohibited siting criteria as defined in Part 360.8 as well as the hazardous waste site/remediation site co-location criteria included in Part 360.16(h).

3.1 Special Flood Hazard Areas and Resources Impact

A solid waste facility must not be constructed (or expanded into) a special flood hazard area unless provisions acceptable to the department have been made to prevent flooding of the facility and constriction of floodwaters. The facility must also not pose a significant hazard to human life, wildlife, fisheries, or land or water resources (360.8(a)).

The proposed Facility is not located within, or near, a FEMA flood zone. The FEMA FIRMette National Flood Hazard map for the site and surrounding area is included as **Figure 3**. Therefore, the facility will not be placed within a flood zone.

The location of principal and primary aquifers in the vicinity of the proposed project was assessed using the Upstate New York Aquifer Viewer from the United States Geological Survey. **Figure 4** shows the Aquifer Viewer results, at a scale of 1:250,000 no aquifers were shown within the vicinity of the project. During their review of the EAF, the Town of Wawayanda also requested additional evaluations of potential siting conflicts with aquifers. A separate analysis of the potential existence of a shallow aquifer in the project vicinity was performed by Chazen (May 21, 2021 Aquifer letter found in the accompanying EAF and SEQR Documents). This analysis concluded that there is no evidence of the presence of a principal or primary aquifer at the project location.

Additional evaluations regarding potential impacts to human life, wildlife, fisheries, or land or water resources are included in the EAF (Found in the accompanying EAF and SEQR Documents). Surface water protection measures during construction of the facility are provided in the Construction SWPPP. Additional surface water protection measures and various operational procedures to be implemented during operation of the Facility to ensure protection of the environment are discussed in the accompanying Facility Manual and the Contingency and Emergency Response Plan (Included in the Facility Manual).

3.2 Endangered Species

A solid waste facility must not be constructed (or expanded) in a manner that causes or contributes to the taking of any endangered or threatened species or causes destruction or adverse modification of their critical habitat (360.8(b)). Full evaluations of the potential presence of endangered or threatened species on the project site are included in the EAF (Found in the accompanying EAF and SEQR Documents). The NYSDEC Division of Fish and Wildlife, New York Natural Heritage Program (Natural Heritage), was also consulted during the project siting review. The only notable result of this evaluation, as documented in a January 7, 2021 letter from Natural Heritage (included within the EAF), is a documented summer habitat of the Indiana Bat within 1.75 miles of the Facility. As per the Department's Indiana Bat Project Review Fact Sheet guidance document, clearing of trees on the project site (for construction of the Facility) may only occur during the period of October 1 through March 31 to eliminate the potential for prohibited taking of the species during the summer period.

3.3 Wetlands

A solid waste facility must not be constructed (or expanded) within the boundary of either State or Federally regulated wetlands, unless the required permits are obtained from the U.S. Army Corps of Engineers (USACE) and/or the department (*360.8(c)*). There are no mapped NYSDEC regulated wetlands or accompanying 500-foot check zone within the parcel boundaries. A wetland delineation within the project area was completed by EnSol in November of 2020. For complete details of the wetland delineation results, refer to the Wetland Delineation Report included within the EAF (Found in accompanying EAF and SEQR Documents). The wetland boundaries and federal jurisdiction were confirmed by the USACE in a Jurisdictional Determination letter dated January 5, 2022, and included in the accompanying EAF and SEQR Documents. Jurisdictional and non-jurisdictional wetlands within, or in the vicinity of, the Project Area are indicated on **Figure 2** and **Sheet 1**. In summary two federal jurisdictional wetlands (Wetland D and Wetland E in the Delineation Report) are located on the property but outside the Facility area and four isolated non-jurisdictional wetlands (Wetlands A, B, C, and F in the delineation report) are located within the Facility Area. Therefore, the proposed facility will not be constructed within the boundary of a State or Federally regulated wetland and a wetland permit is not required from the USACE or the department.

3.4 Co-Location With Remedial Program Sites

As indicated in the EAF (Located in the accompanying EAF and SEQR Documents), the proposed Facility is not located at either an inactive hazardous waste site (*360.16(h)(2)*), an active remedial program site, or within 150 feet of the boundary of an active remedial program site (*360.16(h)(1)*). Therefore, there are no additional siting concerns or coordination with the Department required in regards to co-location with inactive hazardous waste or remedial program sites.

4. Solid Waste Management Plan Consistency

4.1 Service Area

Materials delivered to the transfer station are expected to be collected in Orange, Sullivan, and Putnam Counties in New York, and Wayne and Pike Counties in Pennsylvania. Market conditions, material availability, contracts and other economic factors will govern the specific limits of the service in those counties.

4.2 New York State Solid Waste Management Plan

Subparagraphs 360.16(c)(5)(i)&(ii) require a demonstration that the facility is consistent with the State solid waste management policy identified in section 27-0106 of the Environmental Conservation Law (ECL). Section 27-0106 of the ECL established the following solid waste management priorities:

1. Reduce the amount of solid waste generated.
2. Reuse material for the purpose for which it was originally intended or recycle material that cannot be reused.
3. Recover, in an environmentally acceptable manner, energy from solid waste that cannot be economically and technically reused or recycled; and,
4. Dispose of solid waste that is not being reused, recycled or from which energy is not being recovered, by land burial or other methods approved by the department.

Thirty years after New York State first introduced the concept of a solid waste management hierarchy that prioritizes waste reduction, reuse, and recycling over disposal, landfills still manage the largest portion of the waste stream generated in the State. The Facility will serve to help efficiently, and cost effectively transport MSW/C&D/IW generated in the service area to contemporary and fully permitted disposal facilities.

A focus of the update to the New York State Solid Waste Management Plan is to improve recycling rates. The proposed Facility will help widen the market for OCC while reducing transportation cost and efficiently transport recyclable material for processing. Through a screening process, appropriate recyclable materials will be removed from the C&D waste stream and transferred for further processing at approved C&D processing facilities. Thereby addressing and satisfying the second priority of the solid waste management policy.

4.3 Local Solid Waste Management Plans

Table 3-1 lists the applicable planning units and the status of the LSWMPs for the New York Counties in the service area.

Table 3-1: Planning units and LSWMP status

Planning Unit	LSWMP Status ¹
Orange County	Comments issued on draft LSWMP
Putnam County	Expired on December 31, 2020
Sullivan County	No LSWMP or draft LSWMP submitted

¹ LSWMP Status as of February 2022

The proposed Facility is located within the Orange County Planning Unit, which permits private sector participation in solid waste and recyclables management. Comments have been issued for the Orange County draft LSWMP. Sullivan County has not submitted a draft LSWMP but County officials have indicated that budgeting and planning for the development of one is underway. The Orange County

Department of Public Works operates three Transfer Stations, Transfer Station No. 1 in New Hampton, NY, Transfer Station No. 2 in Newburgh, NY, and Transfer Station No. 3 in Port Jervis, NY. Putnam County is not considering operating solid waste facilities as there is sufficient capacity in the private sector to handle the County's waste volume. There are no active permitted transfer facilities in Putnam County for MSW, C&D debris, or industrial/commercial waste. The Sullivan County Department of Solid Waste and Recycling operates a Transfer Station and Recycling Center in Monticello, NY.

Transfer Station No. 1 is the closest to the proposed project site, approximately 2 miles to the southeast. Based on the 2020 Annual Report Transfer Station No. 1 accepted a daily average of approximately 270 tons per day (TPD) of MSW. Transfer Station No. 2 and Transfer Station No. 3 accepted a daily average of approximately 5 TPD and 27 TPD of MSW respectively in 2020. The 2020 Annual Report daily average acceptance for the Sullivan County Transfer and Recycling Center in Monticello was approximately 143 TPD for MSW, and 99 TPD for C&D. The proposed Facility will provide competitive pricing and needed transportation services in support of future solid waste management programs in the service area.

5. Variances

The Facility's application for a NYSDEC Part 360 Solid Waste Management Facility does not require any variances from current Part 360, 361, or 362 regulations. If needed in the future, variance applications may be submitted on forms prescribed by the Department and prepared in accordance with the provisions of Part 360.10. Situations that may result in the need for a variance include but are not limited to: changes in the design or operations of the facility, changes in local requirements, or modifications/updates to the Department's regulations.

6. Construction Supervision and Certification

Construction of the Facility may only commence upon receiving all required approvals from the NYSDEC and the Town. In accordance with Part 360.16(j), an individual licensed to practice engineering in the State of New York must both supervise and certify that all phases of construction were completed in accordance with the final department-approved designs and issued permit.

7. Recordkeeping – Application Documents

In accordance with Part 360.19(k), complete copies of all documents listed below must be kept at the facility (or other approved location) throughout the life of the facility (including the post-closure care and custodial care periods):

- All Application documents (as included herein)
- Construction Certification documents
- Closure Certification documents (see Closure Plan, Section 7.0 of the Facility Manual)

Additional reporting and recordkeeping requirements specific to facility operations are included as Section 5.0 of the Facility Manual.

8. Environmental Justice

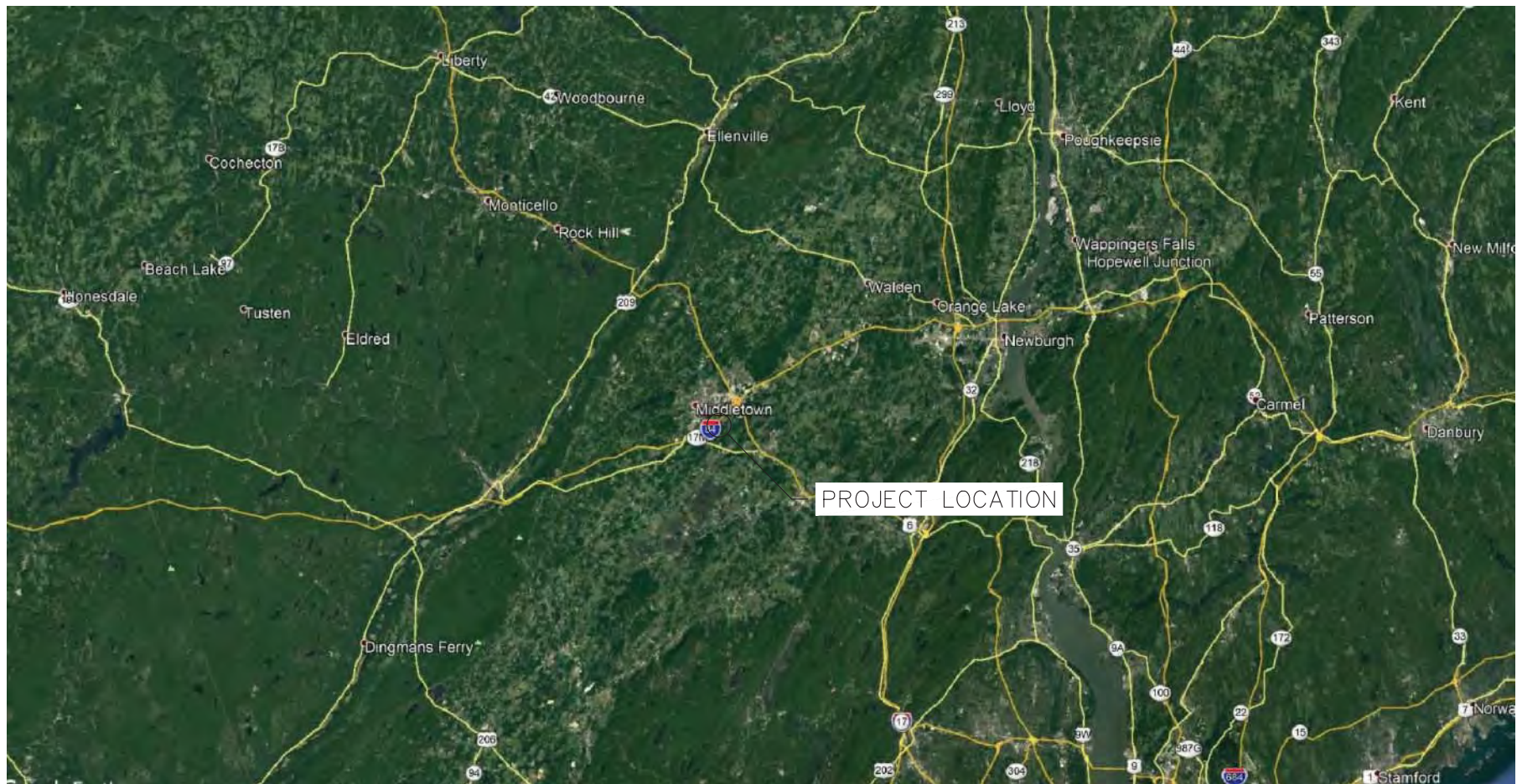
As indicated on **Figure 5** the proposed facility is located within a NYSEDC Potential Environmental Justice Area (PEJA). As a result, the Part 360 SWMF Permit application is consequently subject to Commissioner Policy 29 (CP-29) which provides guidance for incorporating environmental justice concerns into the NYSDEC environmental permit review process and the DEC application of the State Environmental Quality Review (SEQR) Act. CP-29 requires applicants to actively seek public participation during the application review process through a Public Participation Plan (PPP). The PPP identifies potential Stakeholders within the PEJA and establishes detailed procedures to ensure that such Stakeholders will be provided with opportunities to review all application documents and to comment on the same. All feedback received during this process will be considered during final design and permitting of the facility. The accompanying PPP was developed for the project and coordinated with the NYSDEC; The PPP implementation is documented in the accompanying PPP Interim and Final Progress Reports.

Figures

EnSol, Inc.



ENGINEERING + ENVIRONMENTAL



NOTES:

1. SOURCE: GOOGLE EARTH IMAGERY ACCESSED ON 12/29/20.

SCALE: ~31,250' 0' ~31,250' ~62,500'

REGIONAL MAP

DOM-MAR TRANSFER AND RECYCLING FACILITY

DOMKAM, LLC.



661 Main St.
Niagara Falls, NY 14301
716.285.3920

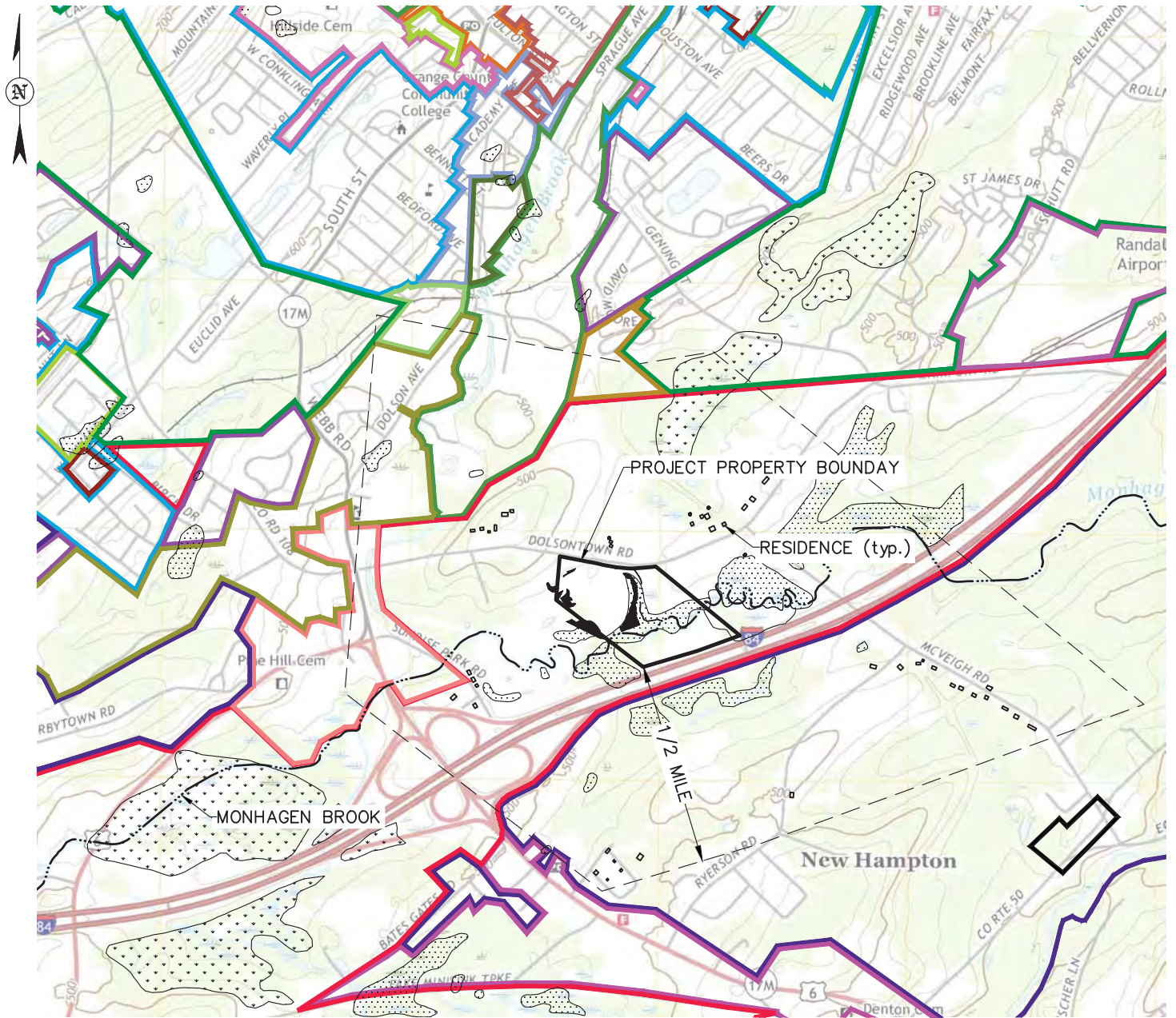
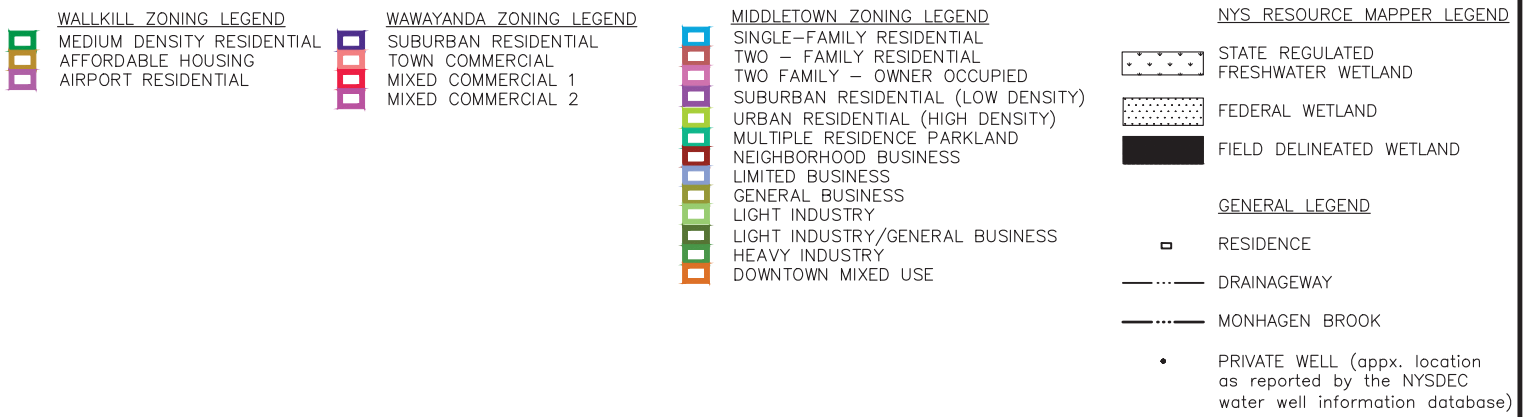
TOWN OF WAWAYANDA
COUNTY OF ORANGE
STATE OF NEW YORK

MARCH 2022

PN: 029-A0001

FIGURE

1



NOTES:

1. SOURCE: USGS MIDDLETOWN QUADRANGLE 7.5 MINUTE SERIES

VICINITY MAP

DOM-MAR TRANSFER AND RECYCLING FACILITY

DOM KAM LLC



661 Main St
Niagara Falls, NY 14301
716.285.3920

TOWN OF WAWAYANDA

COUNTY OF ORANGE

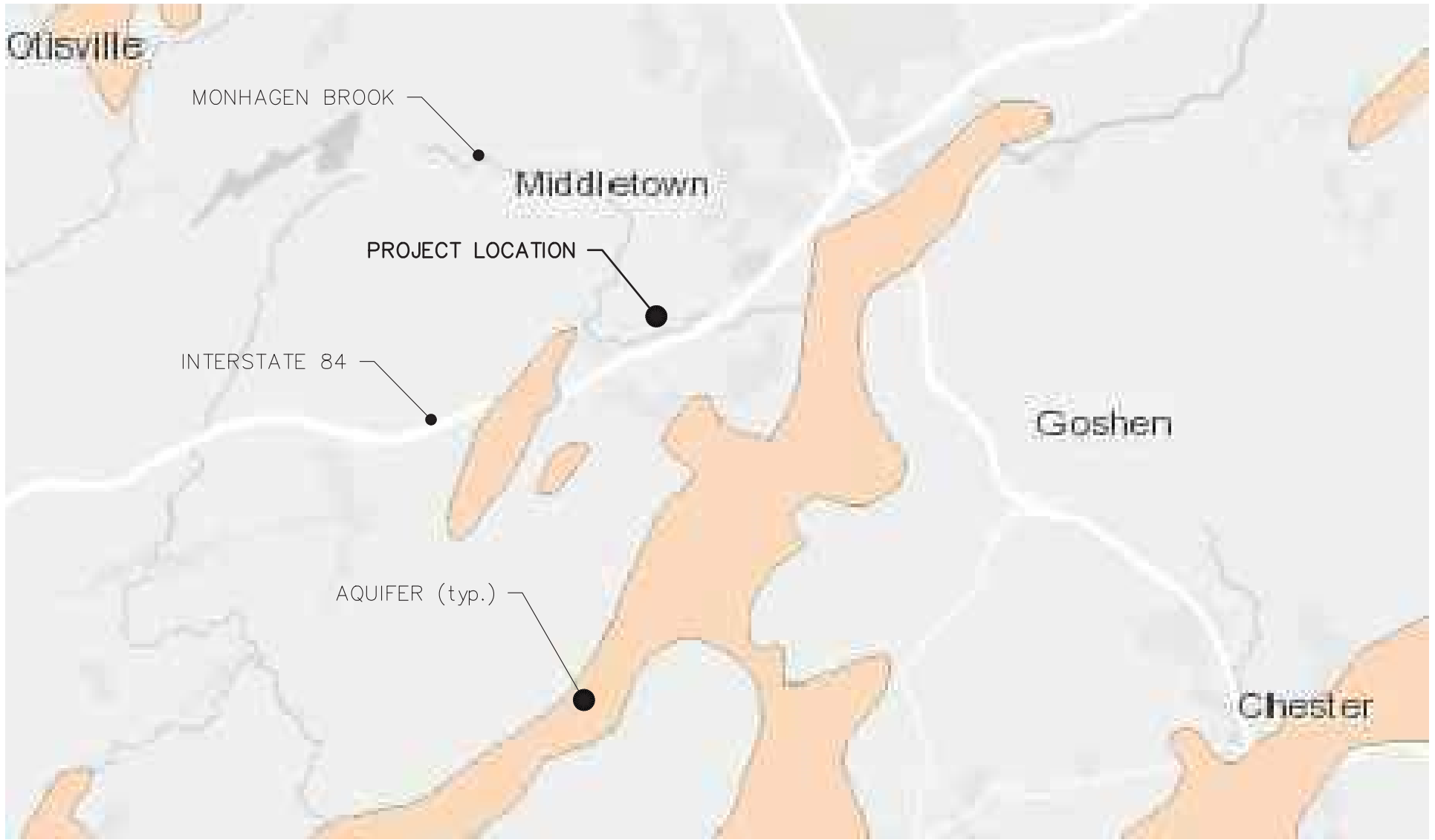
STATE OF NEW YORK

MARCH 2022

PN: 029-A0001

FIGURE

2



NOTES:

1. BASEMAP OBTAINED FROM
NY.WATER.USGS.GOV/MAPS/AQUIFER ACCESSED
ON 12/4/2020



NEW YORK STATE AQUIFER MAP

DOM-MAR TRANSFER AND RECYCLING FACILITY

DOM KAM LLC



661 Main St.
Niagara Falls, NY 14301
716.285.3920

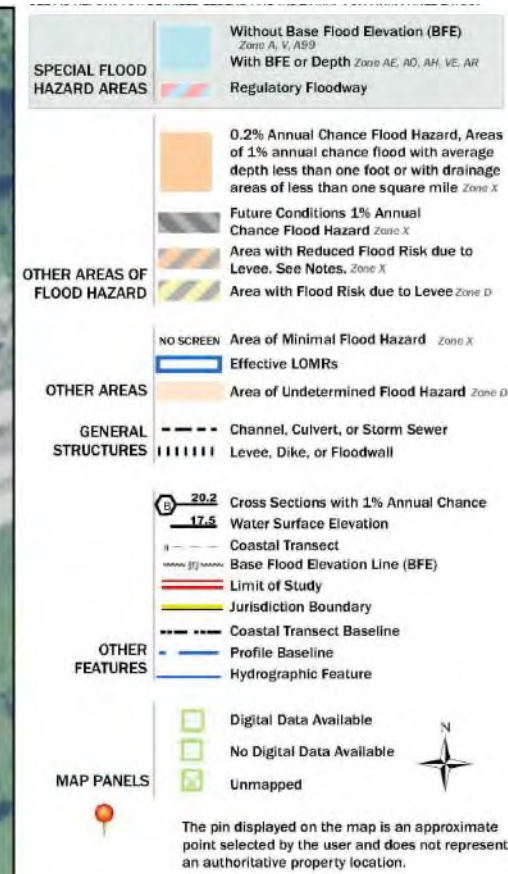
TOWN OF WAWAYANDA
COUNTY OF ORANGE
STATE OF NEW YORK

MARCH 2022

PN: 029-A0001

FIGURE

3



This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/28/2021 at 11:44 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

NOTES:

1. BASEMAP OBTAINED FROM FEMA'S NATIONAL FLOOD HAZARD LAYER FIRMETTE MAPPING APPLICATION



FEMA FLOOD ZONE MAP

DOM-MAR TRANSFER AND RECYCLING FACILITY

DOMKAM, LLC.

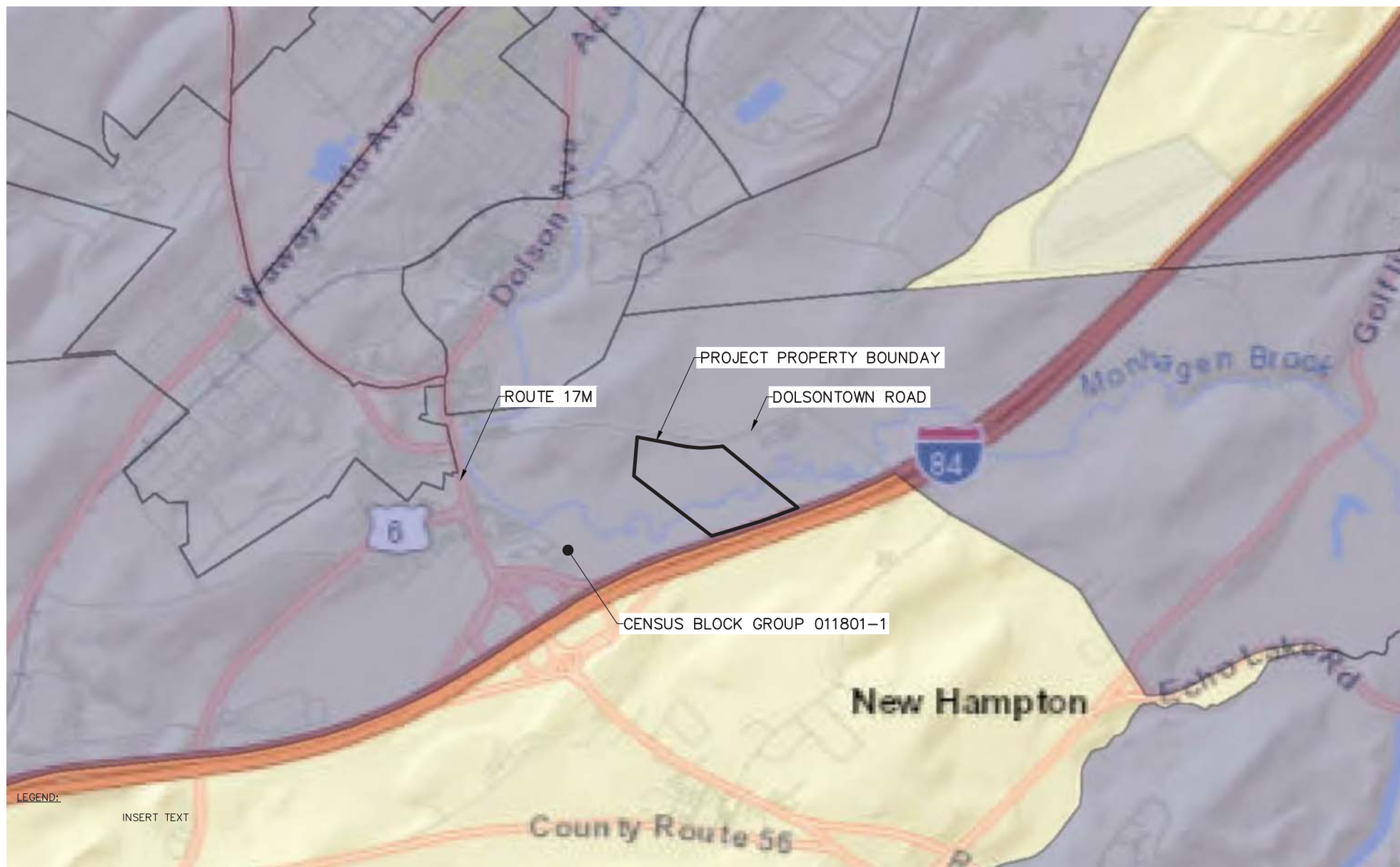


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TOWN OF	WAWAYANDA
COUNTY OF	ORANGE
STATE OF	NEW YORK
MARCH 2022	
PN: 029-A0001	

FIGURE

4



NOTES:

1. BACKGROUND IMAGERY OBTAINED FROM THE NYSDEC INFO LOCATOR ACCESSED ON DECEMBER 13, 2021.

LEGEND:

 POTENTIAL ENVIRONMENTAL JUSTICE AREA



POTENTIAL ENVIRONMENTAL JUSTICE AREA

DOM-MAR TRANSFER AND RECYCLING FACILITY

DOM KAM LLC



661 Main St.
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716.285.3920

TOWN OF WAWAYANDA
COUNTY OF ORANGE
STATE OF NEW YORK

MARCH 2022

PN: 029-A0001

FIGURE

5

Drawings

EnSol, Inc.



ENGINEERING + ENVIRONMENTAL

Attachment 1

EnSol, Inc.

ENGINEERING + ENVIRONMENTAL

Regulatory Compliance Evaluation Tables

Regulatory Compliance Evaluation Table 1
NYSDEC Part 360: Solid Waste Management Facilities General Requirements
Dom-Mar Transfer and Recycling Facility Part 360 Permit Application

360.6 Submission requirements and use of professional engineers and certified laboratories.	Applicant Response	NYSDEC Notes/Comments
(a) Engineering related documents, except quarterly and annual reports, submitted under any provision of this Part or of Parts 361, 362, 363, 365, or Subpart 374-2 of this Title for a permitted facility must be submitted under the stamp and signature of a professional engineer licensed and currently registered to practice in the State of New York. All documents submitted to the department must be submitted in print as well as in an electronic format acceptable to the department.	This application has been prepared by, or under the supervision of, David A. Lenox, P.E. (NYPE License No. 061689). A signed and stamped P.E. Certification Page is included as in the Application.	
(b) Any laboratory tests or analyses required under this Part and Parts 361, 362, 363, and 365 of this Title, including those for which the commissioner of the New York State Department of Health issues certificates of approval, must be performed by a laboratory certified to perform those tests or analyses pursuant to the New York State Department of Health Environmental Laboratory Approval Program (ELAP) or Clinical Laboratory Evaluation Program (CLEP), unless otherwise specified in this Part or Parts 361-365 of this Title.	There was no laboratory analytical data required to support the development of this application. As stated in Section 2.15 of the Facility Manual, any environmental monitoring samples that may be required during operation of the facility must only be submitted to an ELAP certified laboratory.	
360.7 Inspection of facilities.	Applicant Response	NYSDEC Notes/Comments
Department personnel can enter and inspect any facility and any property, premises, books, papers, documents, or records of the facility, at all reasonable times, locations, whether announced or unannounced, for the purpose of ascertaining compliance or noncompliance with an exemption, registration, permit, administrative or judicial order or decree, the ECL, and this Title. The construction or operation of a facility in this state is deemed to constitute consent to inspection of the facility and of the records and documents required to be maintained under this Part or under Part 361, 362, 363, 365, or Subpart 374-2 of this Title as they pertain to the facility.	Dom Kam LLC (which is the Applicant, facility Owner, and facility Operator) acknowledges these requirements and will allow Department personnel access to the facility for the purpose of ascertaining regulatory compliance or noncompliance in accordance with Part 360.7.	
(a) The refusal to consent to inspection of the facility or of any of the records or documents required to be maintained under the provisions of this Part or Part 361, 362, 363, 365, or Subpart 374-2 of this Title as they pertain to the facility, established after an opportunity for a hearing, can result in revocation of any and all facility permits issued by the department or in revocation of the facility's status as a registered facility, as well as any other penalties as the law may provide.		
(b) In a hearing to revoke a permit or registration based on a refusal to consent to inspection, the hearing will be limited to the following issues:		
(1) whether authorized department staff requested access to the facility or to any of the records or documents required to be maintained under this Part or under Part 361, 362, 363, 365, or Subpart 374-2 of this Title;		
(2) whether the owner or operator was given sufficient warning, in clear or unequivocal language before the refusal, that the refusal could result in revocation of the registration or permit; and		
(3) whether the owner or operator refused to consent to the inspection.		
360.8 Prohibited siting.	Applicant Response	NYSDEC Notes/Comments
(a) Special flood hazard areas. Person(s) must not construct a new facility or expand an existing one, in a special flood hazard area, unless provisions acceptable to the department have been made to prevent flooding of the facility and to prevent the construction of floodwaters. The facility must not pose a significant hazard to human life, wildlife, fisheries, or land or water resources.	See Section 2.1 of the Application Narrative. There are no floodzones on the property containing the proposed Facility nor in the vicinity of the project (Figure 4). The facility is not sited upon a primary or principal aquifer (Figure 3 and EAF). Additional impact evaluations or protection measures are provided in the EAF (Appendix D), SWPPP (Appendix C), and Facility Manual (Appendix E).	
(b) Endangered species. Person(s) must not construct a facility or laterally expand an existing one in a manner that causes or contributes to the taking of any endangered or threatened species or to the destruction or adverse modification of their critical habitat.	See Section 2.2 of the Application Narrative. Evaluations of potential project impacts to endangered or threatened species are included in the EAF. Indiana Bat protection procedures are included. No other potential conflicts are noted.	
(c) Wetlands. Person(s) must not construct a new facility or laterally expand an existing one within the boundary of either State or Federally regulated wetlands, unless the required permits are obtained from the U.S. Army Corps of Engineers and/or the department.	See Section 2.3 of the Application Narrative. Wetland delineation details are provided in the EAF. No state wetlands are within the project area. Two federal wetlands are on the property, but outside the project area (won't be impacted). And three isolated non-jurisdictional wetlands are located within the project area. Awaiting USACE Jurisdictional Determination.	
360.16 Permit application requirements and permit provisions.	Applicant Response	NYSDEC Notes/Comments
(a) Submission, signature and verification of applications for facility or waste transporter permits. All applications for permits must be submitted in either an electronic format acceptable to the department or print. They must be signed by the applicant as follows:	Acknowledged.	
(1) corporations: by a duly authorized principal executive officer of at least the level of vice president;	All signatures on application forms in Appendix A are provided by Michael Marangi, President of Dom Kam LLC.	
(2) partnership or limited partnership: by a general partner;	Not applicable.	
(3) sole proprietorship: by the proprietor; or	Not applicable.	
(4) a municipal, State, or other governmental entity: by a duly authorized principal executive officer or elected official.	Not applicable.	
(b) Level of detail.		
The information contained in an application must contain sufficient detail to:	Acknowledged. The Department will assess the completeness of this application.	
(1) allow the documents to be readily understood;		
(2) allow the department to ascertain the potential environmental impacts of the proposed facility; and		
(3) demonstrate that the siting, design, construction, operation, and closure of the facility will be capable of compliance with the applicable requirements of this Part and Parts 361, 362, 363, and 365, and Subpart 374-2 of this Title.		
(c) Contents of a new application for a permit.		
In addition to the information identified in Part 621 of this Title, an application for a new permit must include at a minimum, the following information:		
(1) Contact information and written permission, including:		
(i) the name and address of the owner and of the operator of the proposed facility;	Section 1.4 of the Application Narrative.	
(ii) the name and address of the owner of the property on which the proposed facility is to be located;	Section 1.4 of the Application Narrative.	
(iii) written permission from the owner(s) of land on which the proposed facility is to be located; and	Appendix B	
(iv) a certificate under seal of the Department of State, if applicable.	Appendix B	
(2) Maps and plans. A regional map, a vicinity map, and a site plan, as described in this paragraph.		
(i) Regional map. A regional map (having a minimum scale of 1:62,500) that delineates the location of the proposed facility, the location of the closest population centers, communities of disproportionate impact, and transportation systems including highways.	Included as Figure 1	

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(ii) Vicinity map. A vicinity map (having a minimum scale of 1:24,000) that delineates zoning and land use, communities of disproportionate impact, residences, principal aquifers, primary aquifers, surface waters, wetlands, access roads, and other existing and proposed features on the property and within one-half mile of the perimeter of the property.	Included as Figure 2	
(iii) Site plan. A site plan having a minimum scale of 1:2,400 with 5-foot contour intervals (10-foot intervals for land application facilities) that shows:	Included as Sheet 3	
(a) the location of the proposed facility and its acreage, and the location of any State or Federally regulated wetland or special flood hazard area, including 100-year flood elevations and location of any floodways pursuant to Part 502 of this Title, on the property and within 800 feet of the perimeter of the property;	Included on Figures 1 through 4	
(b) the location of all public and private water wells, monitoring well, surface water bodies, roads, residences, public areas and buildings, including the identification of any buildings which are owned by the applicant or operator, on the property and within 800 feet of the perimeter of the property;	Included on Figures 1 through 4	
(c) the location of all proposed structures, appurtenances, screening, fences, gates, roads, parking areas, and areas designated for management of waste;	Included on Sheets 3, 4, and 7	
(d) the drainage characteristics of the proposed facility and of the property on which it is proposed to be located, identifying the direction of stormwater, ditches, and drainage swales together with any drainage controls that exist or will be implemented with facility construction;	Included on Sheet 3	
(e) the location of soil borings, if applicable;	Not applicable.	
(f) existing and proposed elevation contours;	Included on Sheet 3	
(g) the direction of prevailing winds; and	Included on Sheet 3	
(h) except in the case of land application facilities, the property boundaries, certified by an individual licensed to practice land surveying in the State of New York, of the property on which the facility is proposed to be located.	All property boundaries and existing conditions features shown on Site Plans are as located by Lanc & Tully Engineering and Survey, P.C. on a drawing titled "Survey Prepared for Mike Marangi" dated 11/16/20.	
(3) Engineering report.		
(i) An engineering report that contains a comprehensive description of the existing site conditions, a full engineering analysis of the facility including engineering calculations and all raw data, a description of the overall process, including flow diagrams, and a functional description of all equipment to be used, including design criteria, engineering calculations and anticipated performance. Engineering drawings and specifications submitted as part of the engineering report must depict process flows, dimensions, elevations, floor plans, and cross sectional views of the facility, including all structures, areas designated for unloading, sorting, processing, storage, and loading, and other waste management areas and equipment. Engineering drawings must contain information on known site conditions and projected use of the site.	Appendix F	
(ii) A noise assessment to demonstrate compliance with the leq energy equivalent sound levels proscribed in subdivision (j) of this section. If the noise assessment indicates the leq energy equivalent sound levels will be exceeded, a noise monitoring and control plan to mitigate or monitor sound levels must be included in the application as part of the facility manual.	Section 3 and Attachment 2 of the Engineering Report	
(4) Facility manual. A facility manual, which must include the following:		
(i) Waste control plan. The waste control plan describing:		
(a) the facility's service area, both inside and outside New York State, including a list of all planning units or Native American tribes or nations within New York State and counties, provinces or tribes or nations outside of New York State;	Section 1.3 of the Facility Manual	
(b) the waste that will be accepted at the facility including the type, source, quantity, and, as required for a particular waste stream in Parts 361, 362, 363, or 365 of this Title, analytical results. The description of the quantity must specify the expected average and maximum daily and annual amounts, on a weight and volume basis, and must be specified for each individual type of waste and for the total amount of waste accepted;	Section 4.3, table 1 and Attachment 5 of the Facility Manual	
(c) authorized locations where wastes, including residues, are transported when they leave the facility and what arrangements exist or will exist (contracts, etc.) that verify receiving entities will accept the waste;	Section 4.4 of the Facility Manual	
(d) inspection, education, and contractual measures to ensure that the facility receives and treats only authorized waste, including a program to identify, control, segregate, quarantine, record, store, and dispose of unauthorized waste;	Sections 4.1, 4.4, and 4.9 of the Facility Manual	
(e) if friable asbestos-containing waste is accepted at the facility, a detailed waste plan specific to that waste must be included that outlines the procedures for managing the waste;	Not applicable	
(f) if recyclables are managed at the facility, a detailed plan must be included that describes the types of recyclables that will be recovered, the procedures that will be used for recovery and storage of the recyclables and the disposition of recyclables when they leave the facility;	Sections 2.6 and 4.3 of the Facility Manual	
(g) the procedures that will be used for managing mercury-added consumer products that are separately delivered to the facility; and	Not applicable	
(h) in the case of a landfill, a municipal waste combustor, or a transfer facility, a detailed plan must be included that:		
(1) describes procedures to ensure that source-separated recyclables, source-separated yard trimmings and tree debris, source-separated food scraps, and source-separated electronic waste and other product stewardship designated materials are not accepted for disposal, and describes actions to be taken if these materials are received at the facility; and	Sections 4.3 and 4.7 of the Facility Manual	
(2) describes procedures and time-frames for conducting periodic waste characterization surveys.	Section 5.2 of the Facility Manual	
(ii) Operations and maintenance plan. The plan must include the following:		
(a) a description of the overall operation of the facility, including procedures to be followed during start up and scheduled and unscheduled shutdown of operations;	Sections 2.1 and 3.1 of the Facility Manual	
(b) the type, purpose, size, capacity, and associated detention times for all waste handling, storage, and processing equipment and structures, including back-up facilities and equipment;	Section 2.3 of the Facility Manual and Attachment 3 (calculations) of the Engineering Report	

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(c) a process flow diagram for waste during normal operation. The flow diagram must indicate the average and maximum quantity of waste handled on a weight and volume basis;	Attachment 5 (Process Flow Diagrams) of the Facility Manual	
(d) a description of all machinery, equipment, and structures used in waste management operations of the facility, including the design capacity;	Section 2.3 of the Facility Manual and Attachment 3 of the Engineering Report	
(e) a description of the drainage system used for the collection and storage of leachate and the method and location used for disposal of the leachate;	Section 2.10 of the Facility Manual and Sheets 2, 4, & 6	
(f) the monitoring, maintenance and inspection procedures related to waste management;	Sections 2.12 through 2.15 of the Facility Manual	
(g) a description of the actions to be taken in response to significant interruptions to the facility's normal operations;	Attachment 2 (Emergency Response Plan) of the Facility Manual	
(h) the schedule of operation including the days and hours when the facility will be open to accept and transfer waste, and the days and hours when operations will occur within the facility;	Section 2.2 of the Facility Manual	
(i) a list of all equipment and instruments requiring calibration and a schedule of proposed calibration intervals;	Sections 2.3 and 4.5 of the Facility Manual	
(j) the estimated maximum daily traffic flow to and from the facility, the type and size of vehicles, and the maximum number of vehicles that can be accommodated on site;	Attachment 3 (calculations) of the Engineering Report	
(k) where treatment of waste will occur at the facility, a detailed description of each treatment method and unit, including the operating parameters that will be attained to achieve the intended treatment and the frequency, location, and method for monitoring the operating parameters;	Not applicable	
(l) a discussion of compliance with the operating requirements that are identified in section 360.19 of this Part and Parts 361, 362, 363, and 365, and Subpart 374-2 of this Title;	As indicated in responses corresponding to specific regulations cited	
(m) the location of all facility records related to the permit; and	Section 5 of the Facility Manual	
(n) a description of the operation of a residential drop-off area, if applicable, for non-commercial vehicles to unload waste and recyclables.	Section 2.6.5 of the Facility Manual	
(iii) Training plan. A training plan that identifies all of the facility's personnel by title and responsibilities and that describes the training program, both classroom and on-the-job, that will be used to educate each individual on the procedures necessary to ensure compliance with the requirements applicable to the facility, including but not limited to the plans and procedures identified in this section and all authorizations, permits, and approvals that will be required for the facility; and that describes the training that will be provided and all procedures and equipment that will be used during emergencies, contingencies and standard operations.	Section 3.6 of the Facility Manual	
(iv) Emergency Response Plan. An emergency response plan must include the following:		
(a) a description of actions that facility personnel would take in response to emergencies including fires, explosions, natural disasters, and spills that occur at the facility. The plan must identify the personnel, equipment, and protocols to be utilized in response to each type of emergency. The plan must also include contact information for designated emergency contacts;	Attachment 2 (Emergency Response Plan) of the Facility Manual	
(b) a description of the facility's ability and proposed methods to respond to a natural or manmade disaster that, although it may not have a direct impact on the facility itself, may call for expanded or non-standard services to be provided by the facility (for example, longer operating hours) if department approval is granted for those services.	Attachment 2 (Emergency Response Plan) of the Facility Manual	
(v) A noise monitoring and control plan, if required pursuant to subparagraph (3)(ii) of this subdivision, must include the following:	Not Applicable (sub-sections not presented). The noise analysis included within both the Engineering Report and SEQR documents does not indicate the need for a noise monitoring and control plan.	
(vi) Closure plan. A closure plan that specifically identifies how the facility will comply with the requirements for closure in section 360.21 of this Part and any closure requirements in Parts 361, 362, 363, and 365, and Subpart 374-2 of this Title.	Sections 7 and 7.2 of the Facility Manual	
(5) State and local plan consistency. A demonstration that the facility is consistent with the goals and objectives of:		
(i) the New York State solid waste management policy identified under subdivision (1) of ECL section 27-0106, with an emphasis on diversion from thermal treatment and disposal;	Section 3.2 of the Application Narrative.	
(ii) the New York State solid waste management plan; and	Section 3.2 of the Application Narrative.	
(iii) the department-approved local solid waste management plan (LSWMP) in effect, if one exists, for the municipalities in the facility's service area;	Section 3.3 of the Application Narrative.	
(iv) for those municipalities in the service area that do not have a LSWMP in effect, an identification that the municipalities have a department-approved CRA in effect.	Section 3.3 of the Application Narrative. Note that Sullivan County does not currently have an LSWMP but County officials have indicated that planning and development is underway.	
(6) If a facility requiring a permit includes facilities or collection events which would qualify as an exempt or registered facility or collection event , those operations must be described in the permit application.	Not applicable.	
(d) New applications submitted by or on behalf of a municipality for a permit under Part 362 or 363 of this Title will not be complete until a LSWMP is in effect for the municipality.	Not applicable.	
(e) In addition to the criteria outlined in section 621.3(e) of this Title, a permit 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 can, 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 permit, renewal or modification after determining in writing that such action is required to protect the public health or safety. Some of the factors the department can consider in arriving at such determination include:		

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(1) the owner or operator 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 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;	The Applicant's (also Facility Owner and Operator) Record of Compliance is included within Appendix B	
(2) the owner or operator provides materially false or inaccurate information or statements in the permit application;		
(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;		
(4) the owner, operator or applicant, except for Part 364 of this Title transporters of hazardous waste and regulated medical waste, 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 pursuant to this Part;		
(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 pursuant to this Part;		
(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, and 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 under this Part; or		
(5) for a Part 364 of this Title transporter of hazardous waste or regulated medical waste (RMW):	Not applicable (sub-sections not presented)	
(f) Permit modifications.		
An application to modify a permit must include a description of the proposed modification, a description of the impacts of the proposed modification on the facility, and a demonstration that, under the modified permit, the facility will comply with applicable parts of this Title.	Not applicable (sub-sections not presented)	
(g) Permit renewals.	Not applicable (sub-sections not presented). Submittal is an initial application for a new facility. However, the Applicant acknowledges, and will adhere to, the permit renewal requirements of this section once the facility is permitted and in operation.	
(h) Facilities at or near sites undergoing a remedial program.		
(1) If a facility permitted under this Part is proposed to be located at or within 150 feet of the boundary of a site undergoing a remedial program, the applicant must submit an report that discusses the potential impacts of the facility on the remedial program for that site. For the purposes of this subdivision, a <i>remedial program</i> is any activity defined in 6 NYCRR 375-1.2 and subject to ECL article 27 title 13 (Inactive Hazardous Waste Disposal Sites), ECL article 27 title 14 (Brownfields Cleanup Program sites), ECL article 56 title 5 (Environmental Restoration Project sites), ECL article 52 title 3 (Hazardous Waste Site Remediation Projects), ECL article 27 title 9 (RCRA Corrective Action Program) or the department's Voluntary Cleanup Program, or in Navigation Law section 176 (Spill Response Program for the cleanup of petroleum discharges). The proposed facility must not interfere significantly with any potential, ongoing or completed remedial program.	Section 2.4 of the Application Narrative.	
(2) If a new facility or an expansion of an existing facility is proposed to be located at an inactive hazardous waste site classified as a P site by the department, the applicant must submit as part of a complete application, sufficient information to enable the department to classify the site in question as class 1, 2, 3, 4 or 5 or to delete the site from the Registry of Inactive Hazardous Waste Disposal Sites.	Section 2.4 of the Application Narrative.	
(i) Duration of permits.		
A permit issued pursuant to this Part will be issued for a period not to exceed 10 years.	Acknowledged.	
(j) Supervision and certification of construction.		
The construction of a facility and each stage of construction of a facility must be undertaken under the supervision of an individual licensed to practice engineering in the State of New York. Upon completion of construction, that individual must certify in writing that the construction is in accordance with the terms of the department-issued permit. Operation of the facility and any stage in the operation of a facility cannot commence until approval from the department is received.	Section 5 of the Application Narrative.	

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360.19 Operating requirements.	Applicant Response	NYSDEC Notes/Comments
(a) Applicability.		
Except as otherwise provided in this Part or in Parts 361, 362, 363, or 365, or Subpart 374-2 of this Title, the owner or operator of a facility that requires a permit or registration must comply with the requirements of this section.	Acknowledged.	
(b) Water protection.		
(1) The owner or operator of a facility must prevent waste from being deposited in or entering surface waters or groundwater.	Section 2.10 of the Facility Manual, Section 4 of the Engineering Report and Sheets 2, 4, & 6	
(2) The owner or operator of a facility must operate the facility in a manner that minimizes the generation of leachate and that does not allow any leachate to enter surface waters or groundwater except under authority of a State Pollutant Discharge Elimination System permit.	Section 2.10 of the Facility Manual, Section 4 of the Engineering Report and Sheets 2, 4, & 6	
(c) Waste acceptance and control.		
(1) The owner or operator of a facility must institute, maintain, and enforce a waste control plan. Components of this plan must include, but not be limited to, the following measures to ensure that only authorized waste is accepted at the facility:	Section 4 of the Facility Manual	
(i) posting clearly legible signs at all public access points indicating hours of operation and the types of waste accepted and not accepted;	Sections 2.2 and 4.3 of the Facility Manual	
(ii) inspecting incoming loads of waste; and	Section 4.1 of the Facility Manual	
(iii) specifying which types of waste are authorized to be accepted in contracts with waste suppliers;	Section 4.3 of the Facility Manual	
(iv) identifying materials intended for beneficial use, a marketing plan for those materials, and a plan for disposal or alternative use of materials that fail to meet the criteria for the intended beneficial use;	Sections 2.6.2, 2.6.3, and 4.7 of the Facility Manual	
(v) in addition, landfills, combustion facilities, thermal treatment facilities, municipal solid waste processing facilities and transfer facilities must:		
(a) educate users of their facilities on the proper methods for the management of electronic waste, including:	Section 4.6 of the Facility Manual	
(1) providing written information annually to all potential users of the facility on the proper methods of recycling electronic waste;	Section 4.6 of the Facility Manual	
(2) maintaining written information on-site and upon request, providing the information to users of the facility;	Section 4.6 of the Facility Manual	
(3) posting, in conspicuous locations at the facility, signs stating that electronic waste cannot be disposed of at the facility; and	Section 4.6 of the Facility Manual	
(b) post a sign, in a conspicuous location, stating that mercury-added thermostats are not accepted at the facility.	Section 4.2 of the Facility Manual	
(2) Except for facilities regulated under sections 360.17 and 360.18 of this Part or Part 361, 365, or Subpart 362-4 of this Title, a facility must not accept waste from New York State that is generated within a municipality that is not included in a department-approved comprehensive recycling analysis (CRA) or a department-approved local solid waste management plan (LSWMP).	Section 3 of the Application Narrative	
(3) The owner or operator of a facility must develop and implement a program to train facility staff to implement the waste control plan.	Section 4.8 of the Facility Manual	
(4) If unauthorized waste is delivered to the facility it must be adequately segregated, secured, and contained in order to prevent leakage or contamination of the environment and must be removed within seven days after receipt, unless a different period is authorized by the department in the waste control plan. Transportation must be performed by a person authorized to transport the waste, and disposition must be to a facility or location authorized to receive the waste for management.		
(i) If the owner or operator accepts unauthorized waste, the owner or operator must maintain at the facility a record of each incident identifying the type of waste and its final disposition. The owner or operator must include this information in the facility annual report. For each incident, the owner or operator must record:	Section 4.7 and Attachment 9 of the Facility Manual	
(a) the date and time;		
(b) a description of the incident;		
(c) contact and vehicle information for the waste transporter that delivered the unauthorized waste;		
(d) contact information for the generator of the unauthorized waste; and		
(e) a description of the response to the incident and the disposition of the waste.		
(5) The owner or operator of a facility must not accept waste unless the vehicle transporting the waste is adequately covered or the waste is containerized. When leaving the facility, all vehicles containing waste must utilize a cover which prevents waste and leachate from escaping the vehicle, or the waste must be containerized.	Sections 2.4 and 2.12.1 of the Facility Manual	
(6) The owner or operator of a facility which is authorized to manage mercury-containing devices or mercury-added consumer products must not place any of those materials in a combustor or landfill, or direct the material to a combustor or landfill.	Not Applicable	
(7) If a facility provides a residential drop-off area for non-commercial vehicles to unload waste and recyclables, the owner or operator must provide a separate, designated area for that activity and must provide for collection of source-separated recyclables, if other collection is not provided to residents.	Section 2.6.5 of the Facility Manual	
(8) The owner or operator of a facility must ensure that all waste leaving the facility is destined to be managed at a facility authorized by the department if located in this State, or authorized by the appropriate governmental agency or agencies if located in another state, territory, or nation.	Section 4.4 of the Facility Manual	
(9) The owner or operator of a facility must ensure that all unloading and loading areas are adequate in size and designed to facilitate efficient movement of waste to and from the collection vehicles and to facilitate the unobstructed movement of vehicles.	Section 2 and Attachment 1 of the Engineering Report	
(10) The owner or operator of a facility must ensure that all areas containing waste are strictly and continuously secured to prevent unauthorized access by use of fencing, gates, signs, natural barriers, or other suitable means as determined by the department. Waste must not be used as a barrier.	Sections 2.2 and 2.6 of the Facility Manual	
(11) The owner or operator of a facility must ensure that storage volumes and throughput limits established by the requirements of this Part 360, 361, 362, 363, or 365 of this Title or by the volumes and throughput declared on the registration form for the facility are not exceeded.	Acknowledged	
(12) An attendant must be on duty at a facility which has permanent operating mechanical equipment whenever the facility is open.	Section 3 of the Facility Manual	

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(d) Operation and maintenance.		
The owner or operator of a facility must ensure that the following criteria are satisfied:		
(1) All maintenance and operating activities at the facility are performed in accordance with the facility manual required by section 360.16(c)(4) of this Part, if applicable.	Acknowledged	
(2) The facility accommodates expected traffic flow in a safe and efficient manner. Facility roadways are passable in all weather conditions.	Section 2.3 and Attachment 1 of Engineering Report and Section 2.8 of the Facility Manual	
(3) Tracking of soil, waste, leachate and other materials from the facility onto off-site roadways is prevented.	Section 2.6.4 of the Facility Manual	
(4) All equipment, storage containers, and storage areas are sufficient for the quantity and type of waste managed at the facility. Adequate numbers, types, and sizes of properly maintained equipment are available during all hours of operation.	Sections 2.2 and 2.3 of the Engineering Report	
(5) All floors and working areas are adequately drained, properly maintained, and standing water is minimized. All drainage and wash waters are collected and handled in a manner acceptable to the department.	Section 4.2 of the Engineering Report	
(6) The facility is properly graded to prevent soil erosion and to minimize ponding.	Section 4.3 of the Engineering Report	
(7) Equipment and systems required to manage waste at the facility are properly operated, calibrated, and maintained at all times.	Section 2.3 of the Facility Manual	
(8) Prior to leaving the facility, any vehicle containing waste must be covered with, at a minimum, a mesh or fabric cover acceptable to the department.	Sections 2.4 and 2.12.1 of the Facility Manual	
(9) If an unscheduled total facility shutdown exceeds 24 hours, the facility will immediately notify the department describing the incident and the proposed waste management activities.	Section 6.6 of the Facility Manual	
(e) Routine inspection.		
The owner or operator of a facility must monitor and inspect the facility for malfunctions, deteriorations, operator errors, and incidents no less frequently than on a daily basis when the facility is open. The owner or operator of a facility must immediately undertake any and all measures needed to eliminate any violation of an operational, closure, or post-closure care requirement of this Part and of Part 361, 362, 363, and 365 of this Title. Measures taken do not preclude the department from exercising its enforcement powers.	Section 2.13 of the Facility Manual	
(f) Confinement of waste.		
The owner or operator of a facility must ensure that waste at the facility is confined to an area that can be effectively maintained, operated, and controlled; and that blowing litter is confined to waste holding and operating areas by fencing or other suitable means. Any litter outside the waste holding area must be controlled.	Section 2.12.1 of the Facility Manual	
(g) Dust control.		
The owner or operator of a facility must ensure that dust is effectively controlled so that it does not constitute a nuisance as determined by the department; and must undertake any and all measures as required by the department to maintain and control dust at and emanating from the facility.	Section 2.12.4 of the Facility Manual	
(h) Vector control.		
The owner or operator of a facility must effectively control on-site populations of vectors.	Section 2.12.2 of the Facility Manual	
(i) Odor control.		
The owner or operator of a facility must ensure that odors are effectively controlled so that they do not constitute a nuisance as determined by the department.	Section 2.12.4 of the Facility Manual	
(j) Noise.		
The owner or operator of a facility must ensure that noise (other than that occurring during construction of the facility) resulting from equipment or operations at the facility does not exceed the following energy equivalent sound levels beyond the property line owned or controlled by the owner or operator of the facility at locations authorized for residential purposes:	(sub-sections of regulation not presented)	
Character of Community within a one-mile radius of facility		
Rural : 7am-10pm = 57dB(A) / 10pm-7am = 47dB(A)	Not Applicable	
Suburban : 7am-10pm = 62dB(A) / 10pm-7am = 52dB(A)	Noise Evaluation (Attachment 1 of Engineering Report) indicates compliance	
Urban : 7am-10pm = 67dB(A) / 10pm-7am = 57dB(A)	Not Applicable	
(k) Recordkeeping and reporting.		
(1) Application documents. The owner or operator of a facility must maintain at the facility or other approved location, and make readily available for inspection throughout the life of the facility including the post-closure care period and the custodial care period, a copy of all information and data required as part of the application for the permit or submittal for registration, as well as construction certification and closure construction certification documents.	Section 6 of the Application Narrative.	
(2) Operating records. The owner or operator of a facility must maintain at the facility or other approved location, and make readily available for inspection for a period of no less than seven years from the date a particular record was created, the following operating records:	Section 5.1 of the Facility Manual (sub-sections of regulation not presented)	
(3) Annual report.		
(i) The owner or operator of a facility must submit a completed annual report in a format acceptable to the department no later than March 1st of each year for the previous calendar year, on forms prescribed by the department.	Section 5.3 of the Facility Manual	
(ii) The owner or operator of a facility required to report to the department related to the facility's compliance under this Part or Parts 361, 362, 363, or 365 of this Title, or under the terms of any permit issued under this Part, must make, sign, and submit with the report the following certification: <i>I certify, under penalty of law, that the data and other information identified in this report have been prepared under my direction and supervision in compliance with the system designed to ensure that qualified personnel properly and accurately gather and evaluate this information. I am aware that any false statement I make in such report is punishable pursuant to section 71-2703(2) of the Environmental Conservation Law and section 210.45 of the Penal Law.</i>	Section 5.3 of the Facility Manual	
(l) Personnel training.		
The owner or operator of a facility must ensure sufficient and appropriately trained staff are available to manage the quantity and type of waste that will be handled at the facility.	Section 3.6 of the Facility Manual	
(m) Emergency response.		
The owner or operator of a facility must adequately respond to emergencies such as fires, explosions, natural disasters, and spills that occur at the facility.	Attachment 2 (Emergency Response Plan) of the Facility Manual	
(n) Tank requirements.		
The owner or operator of a facility that includes tanks for waste storage must comply with the following requirements:	Not applicable - no waste storage tanks (sub-sections not presented)	

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360.21 Closure requirements.	Applicant Response	NYSDEC Notes/Comments
(a) Except as otherwise provided in this Part or in Part 361, 362, 363, 365 or Subpart 374-2 of this Title, the owner or operator of a facility that requires a permit or registration must comply with the following requirements:	Section 7 of the Facility Manual	
(1) notify the department in writing 30 days prior to the anticipated final receipt of waste and within seven days of completion of all closure activities;	Section 7.1 of the Facility Manual	
(2) within 30 day after receiving the final quantity of wastes, submit an annual report to the department as required under this Part;	Section 7.1 of the Facility Manual	
(3) within 60 days after receiving the final quantity of waste, remove and deliver any remaining waste to a facility authorized to accept the waste;	Section 7.1 of the Facility Manual	
(4) within 90 days after receiving the final quantity of waste, complete all closure activities, including removal of all products resulting from the processing of waste and decontamination of all equipment and structures involved in any aspect of waste management, in a manner acceptable to the department.	Section 7.1 of the Facility Manual	
360.22 Financial assurance.	Applicant Response	NYSDEC Notes/Comments
(a) Applicability.		
Except as otherwise provided in this Part or in Parts 361, 362, 363, 365, or Subpart 374-2 of this Title, the owner or operator of a facility that requires financial assurance must comply with the requirements of this section.	Acknowledged	
(1) Except as provided in section 360.4 of this Part, each owner or operator of a facility required to obtain financial assurance must provide continuous coverage beginning no later than 60 days prior to the initial receipt of waste and until released by the department from financial assurance requirements by demonstrating compliance with the applicable closure, post-closure care, custodial care, and corrective measures requirements pertaining to the facility, and demonstrating that the facility and any waste remaining at the facility do not pose a threat to public health or the environment.	Acknowledged	
(b) Closure, post-closure care, custodial care, and corrective measures cost estimates.		
(1) The owner or operator of any facility required to obtain financial assurance, other than a landfill, must have a detailed written estimate, in current dollars, of the cost of hiring a third party to perform closure in compliance with the requirements in section 360.21 of this Part and Subpart 374-2 of this Title.	Section 7.3 and Attachment 12 of the Facility Manual	
(i) At a minimum, the closure cost estimate must include the cost to load, transport and dispose of the maximum permitted storage capacity at that facility. Cost estimates must also include or reflect the design, materials, equipment, labor, administration, and quality assurance for closure in accordance with the facility-specific closure plan. Additional financial assurance may be required on a site-specific basis if the potential exists for storage beyond the permitted storage capacity.	Section 7.3 and Attachment 12 of the Facility Manual	
(ii) The closure cost estimate must not incorporate any salvage value that may be realized with the sale of materials, facility structures or equipment, land, or other assets associated with the facility at the time of closure.	Section 7.3 and Attachment 12 of the Facility Manual	
(2) The owner or operator of a landfill must have a detailed written estimate, in current dollars, of the cost of hiring a third party to perform closure, post-closure care, custodial care, and, if necessary, corrective measures in compliance with the requirements in this Part, Part 363 of this Title, and a department-approved closure plan, post-closure care plan, custodial care plan and corrective measures plan.	Not applicable. Facility is not a landfill. (sub-sections not presented)	
(3) Annual cost estimate adjustments.	Applicant will provide Financial Assurance separately (sub-sections not presented)	
(c) Financial assurance requirements.	Applicant will provide Financial Assurance separately (sub-sections not presented)	

Regulatory Compliance Evaluation Table 2
NYSDEC Part 361-1: Recyclables Handling and Recovery Facilities
Dom-Mar Transfer and Recycling Facility Part 360 Permit Application

361-1.1 Applicability.	Applicant Response	NYSDEC Notes/Comments
(a) This Subpart applies to facilities that process source-separated nonputrescible recyclables. The requirements contained in Part 360 of this Title also apply to this Subpart.	Acknowledged	
(b) This Subpart does not apply to:		
(1) a facility that receives organic waste, which is regulated under Subpart 361-2, 361-3, or 361-4 of this Part;	Facility will receive and transfer source-separated organics to composting facilities under the 360 permit	
(2) a facility that receives construction and demolition debris for recovery, which is regulated under Subpart 361-5 of this Part;	See separate CDD compliance evaluation (Part 361-5)	
(3) a facility that receives only motor vehicles or portions of motor vehicles, which is regulated under Subpart 361-7 of this Part;	Not applicable	
(4) a facility that receives waste tires, which is regulated under Subpart 361-6 of this Part or 362-1 of this Title;	Tires, received incidental to loads of CDD, will be received and transferred under the 360 permit. Less than 1,000 on-site at any time	
(5) a facility that receives electronic waste for recovery and recycling as authorized by department registration or permit issued pursuant to Part 360 of this Title;	Electronic waste will be collected and transferred only	
(6) a facility that receives municipal solid waste for post-collection separation of recyclables. That type of facility, or a portion thereof, is regulated under Subpart 362-2 of this Title; and	Not applicable	
(7) a facility that operates pursuant to the Universal Waste Rule in Subpart 374-3 of this Title;	Not applicable	
(8) a facility that is a redemption center regulated under Part 367 of this Title and article 27, title 10 of the Environmental Conservation Law (ECL), which limits its activities to the collection, sorting, and packaging of empty beverage containers from redeemers, in bags and boxes for return to the deposit initiator or agent of the deposit initiator, without further processing, except through a reverse vending machine after the deposit initiator has authorized, in writing, such processing through the reverse vending machine at the redemption center's facility.	Not applicable	
361-1.2 Exempt facilities.	Applicant Response	NYSDEC Notes/Comments
In addition to the exemptions provided for in section 360.14 of this Part, the following facilities are exempt from this Subpart:	Not applicable - sub-sections not presented	
361-1.3 Registered facilities.	Applicant Response	NYSDEC Notes/Comments
(a) Unless otherwise exempt or required to obtain a permit pursuant to this Part, the following facilities must register with the department as specified in this Subpart, and are subject to section 360.15 of this Title. Each facility must comply with the criteria outlined in Part 360 of this Title and the recordkeeping and reporting requirements in section 361-1.6 of this Subpart.	Not applicable - facility will be permitted. Sub-sections not presented	
361-1.4 Permit application requirements.	Applicant Response	NYSDEC Notes/Comments
A recyclables handling and recovery facility that is not an exempt facility or subject to the registration provisions of section 361-1.3 of this Subpart must obtain a permit from the department, and must submit an application which includes the information required in section 360.16 of this Title and must include a description of how the facility will comply with the operating requirements in Part 360 of this Title and section 361-1.5 of this Subpart.	Acknowledged - required Part 360 application forms and supporting materials are provided.	
361-1.5 Operating requirements.	Applicant Response	NYSDEC Notes/Comments
A recyclables handling and recovery facility required to obtain a registration or a permit must, in addition to the requirements identified in Part 360 of this Title, design, construct, maintain, and operate the facility in compliance with the following criteria:		
(a) A recyclables handling and recovery facility can receive only source-separated, nonputrescible recyclables for further processing.	Section 4.3 of the Facility Manual	
(b) Residues and processed recyclables must be stored separately. Recyclables must be maintained in a manner that ensures marketability is not adversely affected. Source-separated or processed and separated material that meets a beneficial use determination as specified in section 360.12 of this Title can be stored without time restriction so long as the storage volume conforms with the declared storage volume identified in the application or registration documents.	Section 2.6 of the Facility Manual - any putrescible materials received incidentally to recyclables will be separated and transferred to the MSW portion of the building for consolidation and final transfer	
(c) Unprocessed and processed recyclables that are intended to be recovered can be stored for a maximum of 180 calendar days, unless the following criteria are satisfied to justify a longer storage period:	Section 2.6.3 of the Facility Manual	
(1) there is a demonstrated need to store for a longer period, such as a market agreement with terms of receipt based on greater than 180-day intervals or volumes that may take longer than 180 days to acquire;		
(2) the facility has sufficient storage area to prevent a negative impact to public health or the environment; and		
(3) the facility implements an inventory control system, including daily logs, to ensure that the processed recyclables do not remain at the facility for longer than the period approved;	Storage exceeding 180 days will be only with DEC approval on a case by case basis	
(4) prior to storing unprocessed and processed recyclables for longer than 180 calendar days, the facility must notify the department of its intent and include justification based on the requirements of this subdivision.		
(d) Unprocessed recyclables that the facility does not intend to recover and that do not contain putrescible waste can be stored for a period not to exceed 14 calendar days.	Not applicable - all recyclables are intended for recovery	
(e) Incidental putrescible waste received or putrescible residues can be stored for a period not to exceed seven calendar days after receipt or generation.	Section 2.6 of the Facility Manual - any putrescible materials received incidentally to recyclables will be separated and transferred to the MSW portion of the building for consolidation and final transfer	
(f) Refrigerants contained in materials being handled must be properly removed and managed prior to compaction, crushing or shredding.	Not applicable - appliances containing refrigerants are an un-authorized material	
(g) All recyclables and waste delivered to or leaving the facility must be weighed and recorded.	Section 2.4 of the Facility Manual	
361-1.6 Recordkeeping and reporting requirements.	Applicant Response	NYSDEC Notes/Comments
Facilities registered and permitted pursuant to this Part must:		
(a) Keep records as required by section 360.19(k) of this Title.	Section 5.1 of the Facility Manual	
(b) Submit an annual report as required by section 360.19(k)(3) of this Title.	Section 5.3 of the Facility Manual	

Regulatory Compliance Evaluation Table 3
NYSDEC Part 361-5: Construction and Demolition Debris Handling and Recovery Facilities
Dom-Mar Transfer and Recycling Facility Part 360 Permit Application

361-5.1 Applicability.	Applicant Response	NYSDEC Notes/Comments
This Subpart applies to facilities that process and/or store construction and demolition (C&D) debris in order to extract recyclable or reusable materials. The requirements contained in Part 360 of this Title also apply to this Subpart.	Acknowledged	
361-5.2 Registered facilities.	Applicant Response	NYSDEC Notes/Comments
(a) Facilities of the following types are subject to the registration provision of section 360.15 of this Title unless otherwise exempt. In addition to the criteria in Part 360 of this Title, each facility must comply with the applicable requirements of this Subpart.	Not applicable - facility will be permitted. Sub-sections not presented	
361-5.3 Permit application requirements.	Applicant Response	NYSDEC Notes/Comments
A C&D debris handling and recovery facility that is not subject to the registration provisions of section 361-5.2 of this Subpart must obtain a permit, and must submit an application that includes the requirements identified in section 360.16 of this Title and a description of how the facility will comply with the operating requirements in Part 360.19 of this Title and this Subpart.	Acknowledged - required Part 360 application forms and supporting materials are provided.	
361-5.4 Design and operating requirements.	Applicant Response	NYSDEC Notes/Comments
A C&D debris handling and recovery facility required to obtain a registration or permit must, in addition to the requirements identified in Part 360 of this Title, design, construct, maintain, and operate the facility in compliance with the following:		
(a) All receiving, processing, and sorting activities must be conducted in an enclosed building unless otherwise specified in this Subpart or in the transition provisions of section 360.4(b)(4) of this Title. An enclosed building is not required for concrete and other masonry material (including steel or fiberglass reinforcing embedded in concrete), asphalt pavement or asphalt millings, brick, rock, fill material, roofing shingles or unadulterated wood.	Section 2.6 of the Facility Manual	
(b) All waste and recovered material delivered to and leaving the facility must be weighed or otherwise measured and recorded in cubic yards and tons.	Section 2.4 of the Facility Manual	
(c) Friable asbestos-containing waste must not be accepted at the facility. Non-friable asbestos-containing waste, if received at the facility, must not be handled or processed in any way that would cause the material to become crumbled, pulverized, or reduced to powder.	Section 4.2 of the Facility Manual	
(d) The facility must not accept C&D debris, fill material, or similar material from a site being remediated pursuant to a program administered by the department or EPA unless accompanied by written approval from the department or EPA.	Section 4.2 of the Facility Manual	
(e) For permitted facilities and facilities authorized under section 361-5.2(a)(6) and (7) of this Subpart, any fill material or residue leaving the facility for reuse must be analyzed in accordance with the sampling and analysis requirements in section 360.13(e) of this Title, except a minimum of one analysis is required for every 1000 cubic yards of fill material, and must follow the criteria outlined in section 360.13(f) of this Title.	Not applicable - no 361-5.2(a)(6) or (7) materials to be handled	
(f) Storage requirements.		
(1) Storage of processed and unprocessed C&D debris is limited as follows:		
(i) Unprocessed asphalt pavement, asphalt millings, concrete and other masonry materials (including steel or fiberglass reinforcing embedded in concrete), brick, fill material, rock, or wood can be stored uncovered, but in all cases storage is limited to 365 calendar days unless the following criteria are satisfied to justify a longer storage period:	Section 2.6.2 of the Facility Manual	
(a) There is a demonstrated need to store for a longer period, such as a market agreement with terms of receipt based on greater than 365-day intervals or volumes that may take longer than 365 days to acquire.		
(b) The facility has sufficient storage area to prevent a negative impact to public health or the environment.		
(c) The facility implements an inventory control system, including daily logs, to ensure that the processed recyclables do not remain at the facility for longer than the period approved.	Acknowledged. Storage exceeding 365 days is not anticipated	
(d) Prior to storing unprocessed and processed recyclable for longer than 365 calendar days, the facility must notify the department of its intent and include justification based on the requirements of this subdivision.		
(ii) Storage of any other unprocessed C&D debris must be in an enclosed or covered storage area for a period not to exceed 30 calendar days unless written approval from the department is obtained.	Section 2.6.2 of the Facility Manual	
(iii) Storage of material at the site must not exceed the declared volume identified in the application or registration documents.	Acknowledged	
(iv) Source-separated or processed and separated material that meets a beneficial use determination as specified in section 360.12 or 360.13 of this Title can be stored without time restriction so long as the storage volume conforms with the declared storage volume identified in the application or registration documents.	Not applicable	
(2) Processed and unprocessed C&D debris must not be stored in excavations or below normal grade level of the facility.	Section 2.6.2 of the Facility Manual - storage only in dedicated bunkers/areas	
(3) With the exception of concrete, asphalt pavement or cuttings, brick, or rock, a minimum separation distance of 10 feet must be maintained between adjacent storage piles unless the piles are stored in bins or other structures which separate piles. Storage piles must not extend over property boundaries.	Not applicable - separated storage areas are provided	
(4) Storage area floors must be constructed of concrete or asphalt paving material and must be equipped with adequate drainage and retention structures. However, concrete or asphalt storage area floors are not required for the separate storage of processed or unprocessed uncontaminated concrete, other masonry waste, asphalt pavement, asphalt millings, unadulterated wood, brick, fill material or rock.	All storage areas are upon either the facility's concrete floor or exterior paved areas	
(g) A permitted facility must maintain financial assurance in an amount sufficient to cover the cost of closure of the facility as specified by sections 360.21 and 360.22 of this Title.	Section 7.4 of the Facility Manual	

Regulatory Compliance Evaluation Table 3
NYSDEC Part 361-5: Construction and Demolition Debris Handling and Recovery Facilities
Dom-Mar Transfer and Recycling Facility Part 360 Permit Application

361-5.5 Recordkeeping and reporting requirements.	Applicant Response	NYSDEC Notes/Comments
The following criteria apply to both registered and permitted facilities:		
(a) The facility must keep records in accordance with section 360.19(k) of this Title. In addition to the requirements of section 360.19 of this Title, all C&D debris handling and recovery facilities must maintain daily records of the quantity of recyclables sent from the facility by material type, including the quantity and destination of material used as alternative operating cover as described in section 363-6.21 of this Title.	Section 5.0 of the Facility Manual	
(b) The facility must submit an annual report as required by section 360.19(k)(3) of this Title.	Section 5.3 of the Facility Manual	
361-5.6 C&D debris tracking from registered and permitted facilities.	Applicant Response	NYSDEC Notes/Comments
(a) All fill material, material that does not qualify for a beneficial use under section 360.12 of this Title, or residue leaving a registered or permitted C&D debris handling and recovery facility, and any other material if required pursuant to a department-approved remedial plan, must be accompanied by a C&D debris tracking document prescribed by the department that indicates, at a minimum:	Section 5.4 and Attachment 11 of the Facility Manual	
(1) the name and address of the C&D debris handling and recovery facility that generated the waste or material transported;		
(2) the name of the transporter; and		
(3) the intended destination of the material.		
(b) Once the waste or material has reached its destination for disposal or use, the transporter must sign the C&D debris tracking document confirming its delivery. The receiving facility must then sign the C&D debris tracking document and return it to the generating facility within two weeks. The generating facility must maintain these C&D debris tracking documents at its facility for inspection by the department.		
(c) If materials are transported to other processing facilities regulated under this Subpart, the additional processing and ultimate disposal or use must be recorded on the C&D debris tracking document or on a new tracking document.		
(d) The facility must maintain all C&D debris tracking documents for a minimum of seven years as required by section 360.19(k)(2) of this Title.		

Regulatory Compliance Evaluation Table 4
NYSDEC Part 362-3: Transfer Facilities
Dom-Mar Transfer and Recycling Facility Part 360 Permit Application

362-3.1 Applicability.	Applicant Response	NYSDEC Notes/Comments
In addition to Part 360 of this Title, this Subpart applies to facilities that receive solid waste for the purpose of subsequent transfer to another facility for further processing, treatment, transfer, or disposal. In addition to Part 360 of this Title, and this Subpart, facilities that process and separate construction and demolition debris are also regulated by Subpart 361-5 of this Title.	Acknowledged	
362-3.2 Exempt facilities.	Applicant Response	NYSDEC Notes/Comments
The following facilities are exempt from this Subpart. Nothing in this section exempts facilities that are subject to permit or registration requirements under another Subpart of this Title.	Not applicable - facility will be permitted (sub-sections not presented)	
362-3.3 Registered facilities.	Applicant Response	NYSDEC Notes/Comments
The following facilities that are not otherwise exempt from this Subpart, are subject to the registration provisions of section 360.15 of this Title. Each facility must comply with the operational criteria provided in Part 360 of this Title, section 362-3.5(a) of this Subpart and the operational requirements identified below.	Not applicable - facility will be permitted (sub-sections not presented)	
362-3.4 Permit application requirements.	Applicant Response	NYSDEC Notes/Comments
A transfer facility that is not an exempt facility or subject to the registration provisions of section 362-3.3 of this Subpart must obtain a permit, and must submit an application that includes the requirements identified in section 360.16 of this Title and a description of how the facility will comply with the operating requirements of section 360.19 of this Title, sections 362-3.5 and 362-3.6 of this Subpart, and the following:		
(a) A radioactive waste detection plan.		
If a radiation detection unit is required at the facility pursuant to section 362-3.5(e) of this Subpart, a radioactive waste detection plan must be provided that describes the procedures and equipment that will be used to demonstrate compliance with requirements for detecting radioactive material; operation and maintenance documents for radiation detectors including investigation alarm setpoint settings and calibration methods; and response procedures to be implemented when radioactive waste is detected as required by section 362-3.5(e) of this Subpart.	Section 4.5 of the Facility Manual	
(b) A program for detecting and preventing the receipt of hazardous wastes at the facility.		
This program must include, but not be limited to:		
(1) random inspections of incoming loads;		
(2) inspections of suspicious loads;		
(3) records of inspections;		
(4) procedures for notifying the proper authorities if a hazardous waste is discovered in a load; and	Sections 4.1 and 4.7 of the Facility Manual	
(5) procedures for proper management of discovered hazardous waste.		
362-3.5 Design and operating requirements.	Applicant Response	NYSDEC Notes/Comments
A facility required to obtain a permit under this Subpart must, in addition to the requirements identified in Part 360 of this Title, design, construct, maintain, and operate the facility in compliance with the following criteria:		
(a) Source-separated recyclables, source-separated household hazardous waste, source-separated electronic wastes, 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 must not be accepted by the facility. Source-separated recyclables must only be accepted if the facility is also authorized as a recyclables handling and recovery facility under Subpart 361-1 of this Title.	NA - Facility will also operate as a Subpart 361-1 permitted Recyclables Handling and Recovery Facility	
(b) All tipping, sorting, processing, compaction, storage, loading, and related activities, which the exception of those at residential drop-off locations for non-commercial customers, must be conducted in an enclosed building with adequate odor controls to effectively control off-site nuisances. Nonputrescible waste may be stored in outdoor areas if it is stored in closed containers or covered trailers.	Section 2.6 of the Facility Manual	
(c) The processing, storage, loading, and unloading areas must be constructed of concrete or asphalt paving material and must be equipped with adequate drainage structures that are directed to enclosed tanks that meet the requirements of section 360.19(n) of this Title or a sanitary sewer system.	Section 2.10 of the Facility Manual	
(d) The tipping floor must be cleaned at the end of each operating day unless otherwise determined by the department.	Section 2.6.1 of the Facility Manual	
(e) Radioactive waste detection procedures and requirements.		
Permitted transfer facilities from which MSW or drilling and production waste is transported out of state must meet the following requirements:		
(1) A fixed radiation detection unit must be installed and operated at a location appropriate for the monitoring of all incoming waste.		
(2) The investigation alarm set point of the radiation detector must be set at least two times, but no greater than five times, facility background radiation levels.		
(3) Background radiation readings at the facility must be measured and recorded at least daily.		
(4) Field checks of the radiation detector utilizing a known radiation source must be performed and recorded at least weekly.		
(5) 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.	Section 4.5 of the Facility Manual	
(6) 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.		
(7) Training related to radiation detection system operating procedures and radiation investigation alarm response procedures must be conducted at least annually.		
(f) All putrescible waste must be removed from the transfer facility by the end of the next business day after the transfer container becomes full or within seven calendar days of receipt, whichever comes first.	Section 2.6.1 of the Facility Manual	

Regulatory Compliance Evaluation Table 4
NYSDEC Part 362-3: Transfer Facilities
Dom-Mar Transfer and Recycling Facility Part 360 Permit Application

(g) Any friable asbestos-containing waste accepted at the facility must be managed in accordance with the facility's waste control plan. At a minimum, the following procedures must be satisfied:	Not applicable - facility will not accept friable asbestos waste (sub-sections not presented)	
(h) All waste delivered to and leaving the facility, with the exception of wastes delivered by non-commercial vehicles to residential drop-off areas, must be weighed and recorded in tons.	Section 2.4 of the Facility Manual	
(i) A permitted facility must maintain financial assurance in an amount sufficient to cover the cost of closure of the facility as specified by section 360.22 of this Title.	Section 7.4 of the Facility Manual	
362-3.6 Recordkeeping and reporting requirements.	Applicant Response	NYSDEC Notes/Comments
(a) In addition to the recordkeeping requirements of section 360.19(k) of this Title, transfer facility records must include records associated with the radioactive waste detection procedures required by section 362-3.5(e) of this Subpart, if applicable.	Section 4.5 of the Facility Manual	
(b) Transfer facilities registered or permitted pursuant to this Subpart must submit an annual report in conformance with section 360.19(k)(3) of this Title.	Section 5.3 of the Facility Manual	