

**COMMENTS REGARDING THE DRAFT DSHM-SW-08-01 SOLID WASTE  
MANAGEMENT FACILITY PERMITTING POLICY BY NYS DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION**

**Submitted By The New York State Chapter of the Solid Waste Association of North  
America (NYSWANA)**

**August 8, 2008**

1. General – The Department should delay adoption any new policies until both the State Solid Waste Management Plan and revised Part 360 Regulations have been subject to public review and comment and have been adopted by the State.
2. The Department should include in the draft State Plan proposals for policies, regulations and laws that are necessary to meet the State’s goals for solid waste management. These proposals should be supported by thorough documentation and analysis to demonstrate their efficacy and practicality for New York State. The public should then have the opportunity to become engaged in reviewing, commenting and making suggestions for improving the draft State Plan. This process will make it more likely that the proposals that are adopted in the final State Plan will provide local solid waste management agencies with clearly defined, unambiguous guidance that will guide them in updating their Local Solid Waste Management Plans (LSWMPs).
3. Section II, item 1 indicates that solid waste management facility permit applications must demonstrate consistency with LSWMPs and State policy. Since the pending State Plan will influence policy and most LSWMPs require updating, does this mean that no permit applications will be reviewed or approved until the State Plan is completed and applicable LSWMPs are updated?
4. The Department should clearly state how it will react to permit applications which local solid waste management agencies state are not in conformance with their LSWMPs. Until a new State Plan and updated Part 360 Regulations are promulgated, it does not appear reasonable for DEC regional offices to include proposed Policy issues in the permit review process, as this will inevitably lead to confusion and lack of consistency.
5. Section II, item 2 - By treating many more permit applications and modifications as major will further burden already strained regional and central office staff, and may create a backlog of applications and modifications. This may have the effect of thwarting the advances that the Department is trying to encourage.
6. Section II, item 4 - The Department should clarify how greenhouse gas (GHG) reduction strategies should be weighed against costs in determining which strategies to pursue. We do not believe that mandatory landfill gas collection beyond present requirements and those that are consistent with Federal NSPS regulations are necessary; and we are concerned that such requirements could preclude sites from development of emissions reduction credits.

7. Section II, item 5 – With regard to disposal bans, it is virtually impossible for a disposal ban adopted by a local solid waste management agency to be 100% successful. What will the Department consider to be an adequate level of effort by a local agency to enforce a ban?