

SUBPART 361-7

361-7.1

METAL PROCESSING AND VEHICLE DISMANTLING FACILITIES

361-7.1 Applicability

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Section 361-7.1 Applicability

(a) This Subpart applies to facilities that receive, decommission, process, dismantle, store, and recycle metal, discarded metal-containing products (e.g., appliances) and end-of-life vehicles. The requirements contained in Part 360 of this Title also apply to this Subpart.

(b) This Subpart does not apply to a facility, or a portion of a facility:

(1) that receives metals which are source-separated from MSW that is regulated under Subpart 361-1 of this Part;

(2) that receives metal as a part of construction and demolition debris that is regulated under Subpart 361-5 of this Part;

(3) that receives waste tires separated from vehicles that is regulated under Subpart 361-6 of this Part;

(4) that receives electronic waste for the purpose of recovery and recycling; and

(5) that receives municipal solid waste for post-collection separation of recyclables that is regulated under Subpart 362-2 of this Part.

Section 361-7.2 Exempt facilities

The following facilities are exempt from this Subpart:

(a) Motor vehicle repair shops registered with the New York State Department of Motor Vehicles that store no more than 25 end-of-life vehicles on-site at any one time.

(b) Scrap metal processors that store no more than 1000 cubic yards of metal on-site at any one time. Storage of metal inside of a building is not included in this volume.

Section 361-7.3 Registered facilities

(a) Facilities of the following types are subject to the registration provision of section 360.15 of this Title unless they are otherwise exempt facilities. In lieu of the requirements of section 360.19 of this Title and the operating requirements of section 361-7.4 of this Subpart, each facility must comply with the recordkeeping and reporting requirements in section 361-7.5 of this Subpart.

(1) Motor vehicle repair shops registered with the New York State Department of Motor Vehicles that store between 26 and 50 end-of-life vehicles on-site at any one time.

(2) Vehicle dismantling facilities that receive no more than 25 end-of-life vehicles per year and store no more than 50 end-of-life vehicles on-site at any one time.

(3) Scrap metal processors that store more than 1000 cubic yards of metal.

(b) The following facilities are subject to the registration provisions of section 360.15 of this Title. In addition to the criteria outlined in Part 360 of this Title, each facility must comply with the operating requirements specified in section 361-7.4 of this Subpart and the recordkeeping and reporting requirements in section 361-7.5 of this Subpart.

(1) Motor vehicle repair shops registered with the New York State Department of Motor Vehicles that store more than 50 end-of-life vehicles on-site at any one time.

(2) Vehicle dismantling facilities that receive more than 25 end-of-life vehicles per year or store more than 50 end-of-life vehicles on-site at any one time.

(3) Mobile vehicle crushers.

Section 361-7.4 Design and operating requirements

Except for facilities identified in subdivision 361-7.3(a) of this Subpart, a facility required to obtain a registration 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) End-of-life vehicles arriving at the facility must be inspected upon arrival for leaking fluids and unauthorized waste. Leaks must be remedied or contained to avoid releases of fluids to the environment.

(b) All fluids must be drained, removed, collected, and stored for appropriate use, treatment, or disposal to the maximum extent possible, utilizing best management practices. If hazardous wastes are present they must be disposed in compliance with Part 370 of this Title.

361-7.3(a)(3)

(c) All fluid draining, removal and collection activities as well as all crushing activities must be conducted on a bermed, sealed asphalt or concrete surface or other permanent surface that provides equivalent protections to surface and groundwater. Surfaces must be cleaned daily when in use, and immediately using absorbent materials when a spill has occurred.

(d) End-of-life vehicles must be decommissioned by a facility registered under this Subpart prior to crushing or shredding by removal or deployment of the following materials in accordance with best management practices:

(1) fluids, including but not limited to engine oil, transmission fluid, brake fluid, power steering fluid, coolant, and fuel;

(2) lead acid batteries;

(3) small PCB capacitors, mercury switches and other mercury-containing devices;

(4) refrigerants; and

(5) airbags.

(e) Except for lead acid batteries, any fluids or components identified in subdivision (d) of this section removed from end-of-life vehicles must be stored in closed, labeled containers. Containers that store fluids removed from end-of-life vehicles must be compatible with their contents and must be placed in an area with either a bermed, sealed asphalt or concrete surface or other permanent surface that provides equivalent protections to surface and groundwater. The area must provide containment equal to the volume stored.

(f) Lead acid batteries must be stored off the ground and must be covered to prevent water from contacting the batteries. Leaking or broken lead acid batteries must be stored separately from intact batteries.

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(g) The owner or operator must notify the appropriate regional office of the department in which the facility is located at least five business days prior to any crushing activities that are to be performed by a mobile vehicle crusher.

(h) If more than 1000 tires are stored at the site, excluding those tires mounted onto vehicles, the facility must meet the requirements of Subpart 361-6 of this Part.

(i) Vegetation must be controlled to prevent encroachment into fire access lanes or driveways at the facility and to decrease the potential for fire.

(j) Vehicles must not be stacked in an unsafe manner.

361-7.4(g)

Section 361-7.5 Recordkeeping and reporting requirements

(a) In lieu of the full recordkeeping requirements identified in subdivision 360.19(k) of this Title, the facility must maintain the following records:

(1) The date of receipt and disposal of all end-of-life vehicles must be recorded and maintained on-site.

(2) Routine inspection logs in accordance with subparagraph 360.19(k)(2)(ii) of this Title.

(b) The facility must submit an annual report as required in paragraph 360.19(k)(3) of this Title.