Issues and Challenges Related to Transfer of MSW by Rail

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Increasing interest in rail transport

Facilities throughout the state have moved to or are exploring transfer of MSW by rail:

- Transfer stations
- Landfills
- MWCs

Why?
New York City

Marine Transfer Stations (MTS) will use rail to move intermodal containers of waste out of the metro area

3.3 MM tons (2011)

Source: NYC Solid Waste Management Plan

Long Island

- Disposal restrictions
- Lack of trucks to backhaul waste

3.9 MM tons (2010)

Source: data.ny.gov
DEC is neutral on rail transport

- Mode of transport does not impact permit review process
- No regulatory reference to mode of transport
- No policy preferences

Benefits of Transport by Rail

- Reduced truck traffic
- Reduced GHG emissions
- Fewer transfer stations necessary
**Issues with Transport by Rail**

- Exempt from Waste Transporter permitting requirements
- Excluded from Coverage requirement in NYS ECL
- Car staging in rail yards (nuisance odors)
- Federal preemption of activities performed by/on behalf of a rail carrier

**Prior to 2008**

- Surface Transportation Board exercised authority over solid waste rail transfer facilities.
- State solid waste management facility regulations were preempted
Clean Railroads Act of 2008

- Limits federal Surface Transportation Board’s authority over solid waste rail transfer facilities.
- Reduced federal preemption to only those activities conducted by or on behalf of rail carriers.

Rail Haul Facility Decision Tree
Recent Actions

Proposed rail transfer facilities would handle baled waste
- want bales considered “leak-proof containers” under solid waste regulations
- would be outside definition of transfer station
  – no permit/authorization required

- leak-proof? TBD….performance tests upcoming

Recent Actions

Solid waste emergency – Long Island, Summer 2014
- Summer increase in solid waste generation
- not enough trucks to move waste

Emergency Authorization:
- transfer baled waste to rail cars at temporary facility for transport off-island
Rail Anecdote – Covering the load

Permitted Transfer Station sends off waste by rail
  C&D debris
  “Commercial Waste” aka MSW
  MSW definition: household, commercial, institutional

Preferred loading method: “C&D debris cover”
  - “commercial waste” covered by C&D debris
Rail Anecdote – Covering the load

Rail route leads to switching yard in adjacent region

Community surrounding switching yard complains:
- strong garbage odors from railcars
- demand action: solid covers on railcars

Department explores options:
- Covering statute excludes railcars
- Waste transfer regulations exclude railcars

Last option:
- Negotiate special condition in facility permit to require solid covers
Rail Anecdote – Covering the load

Facility response:
- No Department authority to require solid covers
- Already meeting covering requirement
  - Mesh netting on C&D debris to control loose waste
  - Only MSW requires solid lids

Wait. Whose requirement…? 

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Rail Anecdote – Covering the load

Rail Carrier Tariff:
- Operating agreement between rail carrier and customers
- Solid waste provisions
  - C&D debris – mesh netting
  - MSW* – solid cover
    * any MSW in load constitutes MSW load
Carrier MSW definition = DEC definition
Rail Anecdote – Covering the load

Rail carrier was surprised that loads containing MSW were not fitted with solid covers

Reiterated the requirement and investigated

Immediate outcome:
Special condition in facility permit which required that waste be handled in accordance with rail carrier tariff requirements

Future: change in regulatory requirements?
Thank You

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