



Department of  
Environmental  
Conservation

# Issues and Challenges Related to Transfer of MSW by Rail

NEWMOA Solid Waste Meeting  
Chelmsford, MA  
January 14, 2015

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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



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## Long Island

- Disposal restrictions
- Lack of trucks to backhaul waste

3.9 MM tons (2010)

Source: data.ny.gov



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## 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

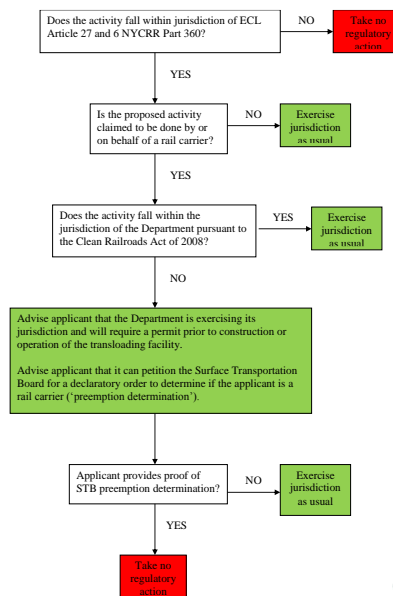


## Clean Railroads Act of 2008

- 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



## 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



## Rail Anecdote – Covering the load

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....?



## 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



## Rail Anecdote – Covering the load

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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