



New York State to issue new proposals to combat illegal dumping

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Assemb. Steve Englebright (D-Setauket), left, speaks during a meeting in Smithtown on Wednesday, Dec. 16, 2015

Photo Credit: Ed Betz

The state is planning to release proposed regulations next year aimed at halting illegal dumping of the kind that Suffolk prosecutors say occurred in and around

Islip Town, state environmental authorities said Wednesday during a five-hour Assembly hearing.

The draft regulations, to be made public by Feb. 28, will require measures such as cradle-to-grave tracking of construction and demolition debris — the type of material that made up much of the fill at the four dumping sites under investigation by the Suffolk County District Attorney's office.

Another regulation would alter how historic fill — a contaminated mixture of soil, rocks, ash, slag and garbage once used to fill in the wetlands of New York City — is managed.

“On Long Island, much of the illegal dumping appears to be C and D debris and historic fill,” state Department of Environmental Conservation Region 1 Director Carrie Meek Gallagher said, testifying at the Assembly's Environmental Conservation Committee's public hearing in Smithtown on sand mining and illegal dumping.

“DEC believes that requiring documentation of transportation from the generator to the final disposal site will, in concert, with enhanced requirements for management of historic fill, deter some of the illegal activity and will greatly improve our ability to crack down on it when it occurs,” Gallagher said, reading from prepared remarks.

Julie Tighe, DEC's assistant commissioner for intergovernmental and legislative affairs, said at the hearing that the draft regulations would allow the DEC to track construction and demolition debris in a similar fashion to how the agency tracks hazardous waste.

The changes to the DEC's Part 360 solid-waste regulations have been in the works for years, said Assemb. Steven Englebright (D-Setauket), chair of the Assembly committee.

But this was the first time he heard a specific date that the regulations would become public.

Suffolk



“I haven’t seen them yet,” he said. “And they’re coming early enough in the [legislative] session that if there are things that are a little shy of what is necessary, we have time to make some adjustments.”

Outside the hearing, Tighe said once the regulations are issued, the agency would hold statewide public hearings to gather comment. The law requires that the proposed regulations be adopted within one year of the last public hearing, she said.

The announcement comes on the heels of Gov. Andrew M. Cuomo’s veto Friday of legislation Englebright sponsored that would have regulated mulch-processing facilities on Long Island — a target of environmental advocates and others

concerned about harmful contaminants leaching from the mulch into the underground aquifer system.

Long Island is a federally designated sole-source aquifer region, meaning the Island's nearly 3 million people rely on groundwater for their sole source of drinking water.

In his veto message, Cuomo cited the impending changes to Part 360, saying legislative action wasn't needed when new regulations were pending.

Long Island



The regulatory changes were one topic during the hearing at which more than a dozen people testified — including legislators, town supervisors, Suffolk health officials and environmentalists.

Englebright said the hearing was called in part to determine whether changes in the laws regarding sand mining and illegal dumping were needed.

“Sites where illegal sand extraction occur all too often become sites of illegal dumping,” he said in his opening remarks.

Brookhaven Town Supervisor Ed Romaine offered nine recommendations, including upgrading misdemeanor illegal dumping and sand mining charges to felonies and changing the definitions of both practices in the law to make prosecutions easier.

“My concern is no single municipality on Long Island has jurisdiction to monitor and prosecute sand mining and illegal dumping,” he said. “It’s clear this should be done at the state level.”

Suffolk



Others, including Southampton Town Supervisor Anna Throne-Holst, spoke of the issue of sand mining on the East End, particularly in areas important for the protection of the aquifer system.

And many speakers discussed the need for more staff at the DEC, highlighting, among other issues, the inadequacy of having only one DEC inspector covering all of Long Island’s sand mines.

There are 25 active permitted sand mines on Long Island, Gallagher said — adding that DEC has inspected them 70 times this year. But, she said, illegal sand mines “evade DEC’s regulatory oversight.”

“One is tempted to think if you had more personnel, we’d have fewer incidences of front-page stories about communities being violated,” Englebright said.

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