

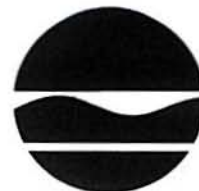
# New York State Department of Environmental Conservation

## Division of Materials Management - Region 3

21 South Putt Corners Road, New Paltz, NY 12561-1620

Phone: (845) 256-3123 • FAX: (845) 255-3414

Website: [www.dec.ny.gov](http://www.dec.ny.gov) E-mail: [mdbrand@gw.dec.state.ny.us](mailto:mdbrand@gw.dec.state.ny.us)



Joe Martens  
Commissioner

September 7, 2011

*Attention all city, town and village officials in Orange and Ulster counties*

Information regarding wood and vegetation debris disposal  
Emerald Ash Borer (EAB) Quarantine Information  
Hurricane Irene Cleanup

Dear Municipal Official:

As cleanup and restoration efforts continue in the aftermath of Hurricane Irene, communities are facing decisions and difficulties in the handling and disposal of waste, particularly wood and vegetation waste and debris. The State and Department of Environmental Conservation have made it a priority to offer every form of assistance to those impacted by and responding to this emergency.

One particular concern is the potential presence of wood infested with the invasive pest, emerald ash borer (EAB). As you may be aware, Orange, Greene, and Ulster counties are included in the mandated East Quarantine area for EAB. The quarantine area and restrictions were established under an order by the Commissioner of NYSDEC in September 2010. Orange County was recently added to the East Quarantine Area under an amended order in August 2011. DEC wants to help all municipalities within the identified counties comply with EAB quarantine restrictions and regulations to avoid spreading the negative impacts of this pest.

**PLEASE BE ADVISED** that during restoration and cleanup activities we are offering updated guidance to help everyone safely and cost effectively dispose of wood and vegetation debris within the quarantined counties. The control of the movement of potentially infected wood, including wood used for firewood, is a key component in our coordinated efforts (including the SLAM or Slow Ash Mortality program) to slow the spread of EAB.

The movement of wood materials in and out of the quarantine area, the ultimate disposal, and management of the debris all have a significant impact on the control of EAB. Materials may be stockpiled as close to the site as possible, in an effort to cut down on costs and time. Other options include hauling this material to more centralized facilities, within the quarantine area, such as local DPW yards or compost facilities and mulch facilities for future processing.

There are several disposal methods that are effective. The methods include, in order of environmental preference: chipping and grinding; composting; and, burning under controlled conditions. Local reuse as firewood is also an excellent and effective method if controls can be in place to prevent the unintended future movement of the wood outside the immediate (and quarantine) area.

**Chipping and Grinding:** For facilities with the capability to chip or grind the debris, all debris should be processed within 30 to 60 days. It absolutely needs to be processed prior to the next flight season (usually May in our area, weather dependent). To be effective at killing the EAB larva, final chip sizes need to be less than one inch (1"), measured in two (2) dimensions.

**Composting:** Composting is certainly a preferred method of disposal of wood waste, and has been shown to be effective in dealing with EAB-infected wood. There are several registered and permitted composting facilities located in the quarantine area that could be used for composting debris. Contact our office if you need information on specific facilities in your area.

**Burning:** Burning of the debris is also an effective method of disposal, both to reduce the volume of the wood waste, but also kill the EAB larva. While we would encourage communities to pursue the other disposal options first, and we will work with you to pursue those options, we recognize that burning may be a viable and necessary option for some communities. To that end, NYSDEC will exercise its authority to utilize its enforcement discretion with respect to certain provisions of the regulations [6 NYCRR 215 (Part 215)] concerning open fires. Part 215 currently prohibits open burning, with certain specified exceptions.

Due to Hurricane Irene, NYSDEC will exercise its discretion not to enforce the prohibitions against open burning for specific communities for the burning of vegetation debris directly caused by Hurricane Irene. This is a limited exercise of discretion, and will remain in effect only until September 30, 2011. After that date, communities eligible for this exercise of enforcement discretion will be subject to all of the prohibitions of Part 215. While certain prohibitions are waived during this extraordinary time, please note that such burning may only occur at locations and under such conditions and methods as approved by DEC. All other provisions of Part 215 will be enforced, including the prohibition against the burning of household wastes, hazardous materials, construction and demolition material and other prohibitions not specifically exempted. All other provisions of relevant statutes and regulations remain in effect. *You must contact the NYSDEC to obtain approval prior to any open burning.*

For homeowners and individual residents, there are no specific regulations that require disposal of potentially infested EAB wood. As long as individuals comply with the quarantine and firewood regulations, brush and vegetation debris can be stored, chipped, or burned, and firewood burned in fireplaces, etc., at the property owner's discretion. Open burning by individuals must still comply with the Part 215 regulations.

**Reuse as Firewood:** For facilities that allow material to be placed on a community wood pile and taken by the public, additional precautions need to be taken. The facility needs to comply with the quarantine and firewood regulations at all times. If the public is allowed to take firewood from the pile home, the facility may need to issue a "Certificate of Source" to each person removing the firewood so that it is clear to all involved where the firewood came from and where it is going along with the approximate volume. This is required in order to comply with both the quarantine and the firewood regulations.

For further information, the following contacts are provided:

- For management and disposal of wood debris (or any other solid waste and debris questions), please contact Martin Brand, Regional Materials Management Supervisor for NYSDEC Region 3 at 845-256-3123, or by e-mail at [mbrand@gw.dec.state.ny.us](mailto:mbrand@gw.dec.state.ny.us).
- For specific questions about open burning and to obtain approval for burning, please contact Kenneth Grzyb, Regional Air Pollution Control Engineer for NYSDEC Region 3 at 845-256-3045, or by e-mail at [krgrzyb@gw.dec.state.ny.us](mailto:krgrzyb@gw.dec.state.ny.us).

- For questions about Emerald Ash Borer, please contact Jeff Rider, Supervising Forester, Division of Lands and Forests, NYSDEC Region 3 at 845-256-3004 or by e-mail at [jarider@gw.dec.state.ny.us](mailto:jarider@gw.dec.state.ny.us).
- The NYSDEC website regarding EAB, including the Quarantine Order, can be found at [www.dec.ny.gov/animals/47761.html](http://www.dec.ny.gov/animals/47761.html).

Staff from the NYS Department of Agriculture and Markets (NYSDAM) and the US Department of Agriculture Animal and Plant Health Inspection Service (APHIS) may also be reaching out to you with additional information and assistance. Additional information regarding EAB and contact information can be found on the information page following this letter.

The NYSDEC is ready to assist you through these difficult times. If you have any questions, please feel free to contact Theresa Laibach, of my staff, at (845) 256-3141.

Sincerely,



Martin D. Brand, P.G.  
Regional Materials Management Supervisor

cc: State Senators  
Members of Assembly  
County Executives

ecc: S. Russo, General Counsel  
W. Janeway, Region 3 Director  
J. Parker, OGC Region 3  
Captain D. Walsh, DLE Region 3  
T. Rudolph, Regional Engineer, Region 3  
F. Sheehan, Assistant Director, Division of Lands and Forests  
K. Grzyb, Div. of Air Resources, Region 3  
J. Rider, Division of Lands and Forests, Region 3  
R. Stanton, Div. of Air Resources, Albany  
T. Laibach, Division of Materials Management, Region 3  
E. Angell, NYS DAM

Attachment: Emerald Ash Borer Information

**Information: Emerald Ash Borer**

NYSDEC website regarding EAB, including the Quarantine Order, can be found at [www.dec.ny.gov/animals/47761.html](http://www.dec.ny.gov/animals/47761.html).

- August 2011 - Orange County was added to the DEC eastern New York quarantine area (Ulster and Greene Counties). This amended Order, which includes updated rules and regulations to be consistent with the NYS Department of Agriculture and Markets (DAM) quarantine, will take effect 10 days after it is filed with the three previously mentioned County Clerk offices.
- DEC and DAM enacted a quarantine encompassing the majority of western New York, as well as Greene and Ulster Counties that restrict the movement of ash trees, ash products and firewood from all wood species in order to limit the potential introduction of EAB to other areas of the state.

Additionally, the state's quarantine order imposes restrictions on the intrastate movement of certain "regulated articles". The order specifically defines regulated articles as:

- Entire ash trees of any size, inclusive of nursery stock
- Any part of ash trees, including leaves, bark, stumps, limbs, branches, and roots
- Ash lumber or ash logs of any length
- Any item made from or containing ash wood
- Any article, product or means of conveyance determined by USDA Animal and Plant Health Inspection Service (APHIS), NYSDAM, or NYSDEC to present a risk of spreading the EAB infestation
- Firewood from any tree species.
- Wood chips and bark mulch from any tree species, larger than 1 inch in two dimensions, whether composted or uncomposted.

New York's order prohibits the movement of regulated articles beyond the quarantined counties without certification or compliance agreements issued by NYS DAM or USDA APHIS. The state order also restricts the movement of the regulated wood products into or through the quarantine district by requiring several provisions including, but not limited to documentation listing the origin and destination of shipments, and prohibiting transporters from unnecessarily stopping while traveling through the quarantine district. For additional information on quarantine restrictions, please contact Ethan Angell, Sr. Horticultural Inspector, NYS DAM at 518-686-9731 or [ethan.angell@agmkt.state.ny.us](mailto:ethan.angell@agmkt.state.ny.us)