

## Beneficial Use Determination Petition – Aggregate

OFFICIAL USE ONLY
DATE RECEIVED
PROJECT NUMBER
STAFF INITIALS
DATE

6 NYCRR Part 360-1.15(b) addresses 16 pre-determined materials which, when used in the manner noted in that subdivision, are not considered solid wastes (for the purposes of Part 360). In situations where a particular proposed reuse is not specifically identified in that subdivision, material generators and potential users may petition the Department for a case-specific beneficial use determination (BUD) under Part 360-1.15(d). This form has been developed to assist applicants in obtaining a case-specific BUD for the use of various materials to serve as construction aggregate in portland cement concrete; asphalt pavement; as subbase under pavement; or as a drainage medium. Pursuant to Part 360-1.15(b)(11), recognizable and uncontaminated concrete, concrete products, rock, brick, asphalt, soil and glass cease to be solid waste when placed in commerce as aggregate, and do not require petitioning for a BUD.

Note: This form is intended to address the requirements of 6 NYCRR 360-1.15(d) only and does not cover other federal, state, or local approvals that may be necessary for use of the proposed aggregate material.

**Petitioner Information**
**Full Name:**

<i>Last</i>	<i>First</i>	<i>M.I.</i>
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**Affiliation:**

<i>Company</i>	<i>Title</i>
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**Primary Address:**

<i>Street Address</i>	<i>City/Town</i>
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<i>County</i>	<i>Zip Code</i>
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**Primary Phone:** (    ) \_\_\_\_\_ **Primary Email:** \_\_\_\_\_

**Aggregate Material Information**
**Waste Information:**

<i>Type of solid waste to be used as an aggregate (stone; granular by-product; ground asphalt shingle or other demolition debris)</i>	<i>Estimated Total Quantity (in tons or cubic yards)</i>
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**Aggregate Production or Distribution Facility:**

<i>Facility Name</i>	<i>Facility Authorization (DEC registration; DEC permit; Out of State; Other)</i>
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*Production Facility Location (Address, Town, County)*

**Details of Use:**

<i>Function (ingredient in concrete, pavement or flowable fill; subbase; drainage medium) DO NOT use this form for grading or embankment fill or cover; use the Fill or Cover Petition Form</i>	<i>Duration of project (up to 5 years- can be renewed)</i>
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**Location(s) of Use:**

<i>Location of use, if applicable (Address)</i>	<i>Quantity in tons or cubic yards</i>
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## Petition Attachments

<b>Attachments Needed for Review of Petition</b>	Attached	N/A	
	<input type="checkbox"/>	<input type="checkbox"/>	Physical description of proposed aggregate material
	<input type="checkbox"/>	<input type="checkbox"/>	Source(s) of proposed aggregate.
	<input type="checkbox"/>	<input type="checkbox"/>	Representative physical/geotechnical testing results for the proposed aggregate with comparison to industry or government standard(s) applicable to the proposed use
	<input type="checkbox"/>	<input type="checkbox"/>	Environmental (chemical) sampling and analysis results for proposed aggregate material (a summary table with comparison to approval criteria is recommended, in addition to laboratory report).
	<input type="checkbox"/>	<input type="checkbox"/>	Describe any other potential adverse effects from use of the material (odors, roots or seeds of invasive species)?
	<input type="checkbox"/>	<input type="checkbox"/>	What market has been developed for this material? (Attach documentation such as letters of intent or contracts to purchase)
	<input type="checkbox"/>	<input type="checkbox"/>	<b>Solid Waste Control Plan:</b> <ol style="list-style-type: none"> <li>1. What is the source of the regulated waste?</li> <li>2. If aggregate will be generated and distributed on an ongoing basis, what testing will be performed to ensure uniformity and demonstrate attainment of any environmental criteria?</li> <li>3. How will this testing and/or sampling and analysis be performed?</li> <li>4. Is waste generated from production and use of this material as aggregate? If so, how will it be disposed?</li> <li>5. Describe the type of storage and maximum inventory anticipated. The limit is 90 days of storage before the material must be used.</li> <li>6. How are rainwater or other liquids kept away from the material in storage?</li> <li>7. Describe management practices to prevent loss or dispersion of the material during storage and use.</li> <li>8. Will the material require decontamination, special handling or processing in order to be beneficially used? Describe if applicable. (Note: Other approvals may be necessary for these activities, including a 6 NYCRR Part 360 facility registration or permit.)</li> </ol>
	<input type="checkbox"/>	<input type="checkbox"/>	<b>Contingency Plan:</b> <ol style="list-style-type: none"> <li>1. Do you have any arrangements with emergency response teams, fire departments, etc. for emergency services? Is contact information for emergency services readily available?</li> <li>2. List name and contact information for facility personnel to be contacted in an emergency.</li> <li>3. List and describe emergency equipment.</li> <li>4. Describe facility evacuation plan (attach site plan drawing if available).</li> <li>5. Does the waste by nature special handling or special facilities? Describe.</li> </ol>

<b>Solid Waste Facility Permit Requirements</b>	Yes – Permit may be required	No	
	<input type="checkbox"/>	<input type="checkbox"/>	Will the proposed material require decontamination, special handling or processing before beneficial use as aggregate?
	<input type="checkbox"/>	<input type="checkbox"/>	Will a fee be charged for use of any receiving site for placement of materials as aggregate?

## Certification

**NOTICE:** Pursuant to ECL Section 3-0301(2)(Q): False statements made on this application are punishable pursuant to Section 210.45 of the New York State Penal Code.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Date*

***Before you submit this application, please verify:***

- All fields of the application are complete (indicate N/A (not applicable) if appropriate).
- You have signed and dated above.
- You have submitted a Record of Compliance (if required).

Send this completed form and any supporting attachments to the **Materials Management Supervisor** in your DEC Region (for help, see <http://www.dec.ny.gov/about/50230.html>), with a copy to:

Gus Carayiannis, P.E.  
Bureau of Permitting and Planning  
Division of Materials Management  
NYSDEC  
625 Broadway, 9th Floor  
Albany, NY 12233-7260

Please contact Mr. Carayiannis or Kathleen Prather at (518) 402-8678 or [benuse@dec.ny.gov](mailto:benuse@dec.ny.gov) if you have any questions about petitioning for a case-specific BUD.