

Beneficial Use Determination Petition – Fill or Cover

OFFICIAL USE ONLY
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6 NYCRR Subdivision 360.12(c) addresses various pre-determined wastes, residual or by-product materials which, when used in the manner noted in that subdivision, are not considered solid wastes (for the purposes of Parts 360-369). 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 Subdivision 360.12(d). This form has been developed to assist applicants in obtaining a case-specific BUD for the use of excess excavated materials from construction projects, processed C&D debris and other soil-like wastes to serve as structural or grade adjustment fill, or as ground surface cover material. **This form should be used when petitioners cannot meet criteria of 360.12(c)(ii) or 360.12(c)(iii) for fill material.**

Note: This form is intended to address the requirements of 6 NYCRR 360.12 only and does not cover other federal, state, or local approvals that may be necessary for use of the proposed fill or cover material.

Petitioner Information

Full Name:

Last *First* *M.I.*

Affiliation:

Company *Title*

Primary Address:

Street Address *City/Town*

County *Zip Code*

Primary Phone: () _____ **Primary Email:** _____

Fill or Cover Material Information

Waste Information:

Type of waste to be used as a fill or cover (excavated fill, C&D or other) *Estimated Total Quantity (in tons or cubic yards)*

Source of Generation:

Generator Name *Facility Type (i.e. Construction Site, Processing Facility, etc.)*

Generator Location(s) (Address, Town, County); include lot and block numbers if a construction site

Details of Use:

Function (structural fill, embankment, grade adjustment, cover, topsoil) *Duration of project (up to 5 years)*

Location(s) of Use:

Location of use, if applicable (Address) *Quantity in tons or cubic yards*

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Petition Attachments Supporting a BUD

Note to Petitioners : The following is a list of attachments which are commonly found in approvable BUD petitions. This list is not intended to be all inclusive. Each BUD petition is unique and the type of information which may be used to support a determination of beneficial use will vary. Petitioners are encouraged to include all relevant documentation showing that the proposed use is truly beneficial (does not constitute disposal), will not pose a risk to the environment or to public health and safety and will not result in nuisance conditions.

Attached N/A

- 1) Mechanical analysis or grain size distribution
- 2) Waste composition analysis (Weight percentage of each waste type in the 2-6 mm fraction)
- 3) Lab data packages for chemical analyses of fill material
- 4) Summary table of lab data comparing results to applicable levels of concern
- 5) Color photographs showing the physical appearance of the bulk fill material and the fraction retained in a 1/4-inch sieve
- 6) A sampling plan describing how physical and chemical data characterizing the fill material was generated including sample locations and depths, sampling methods and analytical methods
- 7) For fill materials generated from processed C&D debris, identification of the C&D processing facility and a copy of the waste control plan used by the facility to exclude contamination from the fill material
- 8) For fill materials generated from a site development project, a map showing the location of the generation site, a site plan showing locations and depths of excavation, locations and depths of pre-excavation samples and any environmental reports, boring logs or testing data documenting site environmental conditions and fill chemistry
- 9) For grade adjustment fill material, a site development plan, including fill material specifications, showing how the fill material will be used and the volume of fill material required
- 10) Documentation showing that the site development plan has been approved by the municipality having jurisdiction
- 11) Describe any other potential adverse effects from use of the material (odors, roots or seeds of invasive species) and measures taken to mitigate such effect
- 12) Description of transportation and storage of fill or cover prior to placement with measures to prevent uncontrolled dispersion
- 13) Description of environmental controls while placing the materials (e.g., dust control, erosion control)
- 14) Additional Information as needed to support a determination that the essential nature of the proposed use of waste constitutes use rather than disposal and that the proposed use will not adversely affect public health or the environment

If Petition Request Attachments are not applicable state why. Attach additional sheets as necessary.

Solid Waste Facility Permit Requirements

Yes No

Will the proposed material require decontamination, special handling or processing before beneficial use as fill or cover?

Will a fee be charged for use of the receiving site for placement of materials as fill or cover, or will the receiving site operate outside the hours of sunrise and sunset?

Certification

I hereby affirm under penalty of perjury that information provided on this form (including attached statements and exhibits) was prepared by me or under my supervision and direction and is true to the best of my knowledge and belief, and that I have authority or am authorized to sign this application pursuant to 6 NYCRR Part 360. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law and ECL Section 3-0301(2)(Q).

Signature

Print Name

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 enclosed all supporting information.

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:

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

Please contact Ms. Prather at (518) 402-8678 or benuse@dec.ny.gov if you have any questions about petitioning for a case-specific BUD.