

## CONSTRUCTION SITE MATERIALS REUSE UNDER NYSDEC PART 360: QUICK REFERENCE GUIDE

What is the material?	Am I required to sample it?		Where can I use it?					Regulatory References
	Sampling Required? <sup>a</sup>	Lab Results Meet These Criteria	Highway Rights-of-Way	Farm, Cropland	Farm, Other	Residential Development	Under Pavement <sup>d</sup>	
Excavated or demolition material description								
Undisturbed native soil or sand and rock (except in NYC)	No	N/A	Yes	Yes	Yes	Yes	Yes	1, 4
Soil, Sand and Rock from Suspect location	Yes	General Fill	Yes	No	Yes	Yes	Yes	2, 3, 4
Soil, Sand and Rock from Suspect location	Yes	Restricted-Use Fill (RUF)	Yes	No	No	No	Yes	2, 3, 4
Soil, Sand and Rock from Suspect location	Yes	Limited-Use Fill (LUF)	No	No	No	No	Yes	2, 3, 4
Mixed "RU-CARBS" <sup>b</sup>	No	N/A	Yes, no volume limit	No	Yes, up to 5000 CY	Yes, up to 5000 CY	Yes, up to 5000 CY	5, 6
Mixed "RU-CARB" - only incidental soil (except in NYC Watershed, Nassau or Suffolk Counties)	No	N/A	Yes	No	Yes	Yes	Yes	7
Mixed soil and unrecognizable excavated material (concrete, asphalt, ash, slag, etc.)	Yes	RUF	Yes	No	No	No	Yes	2, 3, 4
Mixed soil and unrecognizable excavated material (concrete, asphalt, ash, slag, etc.)	Yes	LUF	No	No	No	No	Yes	2, 3, 4
Asphalt millings	No	N/A	Yes	No	No, except as pavement <sup>c</sup>	No, except as pavement <sup>c</sup>	Yes	8

<sup>a</sup> Sampling and laboratory analysis according to 6 NYCRR 360.13(e).

<sup>b</sup> "Recognizable, uncontaminated concrete and concrete products, asphalt pavement, rock, brick and soil"

<sup>c</sup> A three- to six-inch layer of millings can be placed and compacted as a light-duty pavement over a prepared subgrade.

<sup>d</sup> Materials allowed "under pavement" can be used in any land-use setting under pavement or foundation and above the seasonal high water table.

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### REGULATORY REFERENCES

- 6 NYCRR 360.12(c)(1)(ii)
- 6 NYCRR 360.13(d) and (e)
- 6 NYCRR 360.13(f)
- February 12, 2021 Enforcement Discretion Letter (EDL), Subheading IV
- 6 NYCRR 363-2.1(h)
- 6 NYCRR 363-2.1(i)
- Feb.12, 2021 EDL, Subheading VI
- 6 NYCRR 360.12(c)(3)(ix)



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