To Whom It May Concern:

This material is being used in compliance with the pre-determined beneficial use determination described in the NYSDEC September 19, 2019 Enforcement Discretion Letter (EDL) Paragraph II:

“The Department will utilize its enforcement discretion with respect to the use of recycled aggregate from bricks, concrete pavement and/or asphalt pavement when used in or under asphalt pavement or other paved surface, if separated from other waste prior to processing and subsequently processed and stored in a separate area as a discrete material stream...these materials, when destined for and/or managed prior to reuse at facilities subject to the requirements of 6 NYCRR Subpart 361-5 may be managed as a commercial product or raw material and are not subject to Part 360 or Part 361.”

Transportation of greater than one ton of this material per vehicle per shipment requires Part 364 Waste Transporter registration and tracking.

With any questions, please contact (518) 402-8678 or benuse@dec.ny.gov.