



New York State Department of Environmental Conservation
Division of Materials Management

USE OF PREDETERMINED BENEFICIAL USE DETERMINATION
Pursuant to 6 NYCRR 360.12(c)

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 .