



Department of
Environmental
Conservation

Backfill and Soil Cover Material

May 22, 2019

Imported Material Must be Pre-Approved by DEC

Must be soil or other Part 360 **unregulated** material

Request to Import Soil / Fill Form

- Based on DER-10 requirements
- Available from DER Project Manager





**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**



Request to Import/Reuse Fill or Soil

This form is based on the information required by DER-10, Section 5.4(e). Use of this form is not a substitute for reading the applicable Technical Guidance document.

SECTION 1 – SITE BACKGROUND

The allowable site use is:

Have Ecological Resources been identified?

Is this soil originating from the site?

How many cubic yards of soil will be imported/reused?

If greater than 1000 cubic yards will be imported, enter volume to be imported:

SECTION 2 – MATERIAL OTHER THAN SOIL

Is the material to be imported gravel, rock or stone?

Does it contain less than 10%, by weight, material that would pass a size 80 sieve?

Is this virgin material from a permitted mine or quarry?

Is this material recycled concrete or brick from a DEC registered processing facility?

SECTION 3 - SAMPLING

Provide a brief description of the number and type of samples collected in the space below:

Example Text: 5 discrete samples were collected and analyzed for VOCs. 2 composite samples were collected and analyzed for SVOCs, Inorganics & PCBs/Pesticides.

If the material meets requirements of DER-10 section 5.5 (other material), no chemical testing needed.

SECTION 3 CONT'D - SAMPLING

Provide a brief written summary of the sampling results or attach evaluation tables (compare to DER-10, Appendix 5):

Example Text: Arsenic was detected up to 17 ppm in 1 (of 5) samples; the allowable level is 16 ppm.

If Ecological Resources have been identified use the "If Ecological Resources are Present" column in Appendix 5.

SECTION 4 – SOURCE OF FILL

Name of person providing fill and relationship to the source:

Location where fill was obtained:

Identification of any state or local approvals as a fill source:

If no approvals are available, provide a brief history of the use of the property that is the fill source:

Provide a list of supporting documentation included with this request:

Revised August 2014



**Department of
Environmental
Conservation**

The information provided on this form is accurate and complete.

Signature

Date

Print Name

Firm



Beneficial Use Determinations (BUDs)

DER is authorized to grant case-specific BUDs for on-site elements of remedial projects

- Backfill & soil covers
- Must meet chemical & functional criteria of RAWP
- Analysis per DER-10 + additional as appropriate
- **All treatment & processing must be complete before receipt**
- Must be reported in FER and Annual Reports
 - Annual reports due February 28 each year



Pre-Determined BUDs (Part 360.12)

- Sandy navigational dredged material used as commercial aggregate
- Concrete, brick and rock used as aggregate
- Asphalt pavement and millings used in pavement and road construction
- Fill Material generated outside of NYC with no history/suspect contamination (no sampling required; unrestricted use)
- **Fill Material used in accordance with 360.13**



Pre-Determined BUDs (cont'd.)

- Not all pre-determined BUD material is acceptable for Brownfield sites
 - Still requires testing for chemical compliance
 - Recycled brick and concrete with <10% passing #80 sieve acceptable without testing, **but it cannot contain asphalt**

Thank You

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