Backfill and Soil Cover Material
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: Choose an item

Have Ecological Resources been identified? Choose an item

Is this soil originating from the site? Choose an item

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

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? Choose an item

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

Is this virgin material from a permitted mine or quarry? Choose an item

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

SECTION 3 – SAMPLING

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

Example Test 5 discrete samples were collected and analyzed for VOCs. 2 composite samples were collected and analyzed for POPs, Inorganics & PCBs/Pesticides.

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

Revised August 2014
### 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 Test: Arsenic was detected up to 17 ppm in 3 (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:

<table>
<thead>
<tr>
<th>Name</th>
<th>Relationship</th>
</tr>
</thead>
</table>

Location where fill was obtained:

<table>
<thead>
<tr>
<th>Location</th>
</tr>
</thead>
</table>

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

<table>
<thead>
<tr>
<th>Approval Type</th>
<th>State</th>
<th>Local</th>
</tr>
</thead>
</table>

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

<table>
<thead>
<tr>
<th>History</th>
</tr>
</thead>
</table>

Provide a list of supporting documentation included with this request:

<table>
<thead>
<tr>
<th>Documentation</th>
</tr>
</thead>
</table>

Revised August 2014
The information provided on this form is accurate and complete.

________________________       _____________
Signature                  Date

________________________
Print Name

________________________
Firm

Revised August 2014
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

Jane O’Connell
Chief, Superfund and Brownfield Cleanup Section
Region 2
jane.oconnell@dec.ny.gov
(718) 482-4599

Connect with us:
Facebook: www.facebook.com/NYSDEC
Twitter: twitter.com/NYSDEC
Flickr: www.flickr.com/photos/nysdec