



Department of
Environmental
Conservation

Revised Part 360 Series Solid Waste Management Facility Regulations

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NYSDEC

Section 360.12

Beneficial Use

Part 360 – BUD Program Structure

- Pre-determined BUDs
 - Established in regulation
 - No additional approval from DEC
 - Report to DEC if >10,000 tons distributed
- Case-specific BUDs
 - Decision based on petition submitted to DEC
 - Effective substitute for raw material or product
 - Use does not constitute disposal

360.12(c) – Pre-Determined Beneficial Uses

- (1)(ii) **fill material** generated outside of New York City with no evidence of historical impacts such as reported spill events, or visual or other indication (odors, etc.) of chemical or physical contamination;
- (3)(viii) recycled aggregate or residue which meets a municipal or State specification or standard for use as commercial aggregate if generated from uncontaminated, recognizable **concrete and other masonry products, brick, or rock...**;
- (3)(ix) recycled material or residue generated from uncontaminated **asphalt pavement and asphalt millings** which meets a municipal or State specification or standard for use as an ingredient in asphalt pavement or other paved surface construction and maintenance uses ...
- (3)(x) **asphalt pavement and asphalt millings** received at an asphalt manufacturing plant for incorporation into an asphalt product;

Section 360.13

Special Requirements for Pre-Determined Beneficial Use of Fill Material



360.13(a) – Applicability

Section 360.13 allows for the self-assessment of fill materials for appropriate use within 360.13 criteria

Section 360.13 DOES NOT:

- Require sampling of material sent to CDDHRFs
- Require all excavated soil or fill to be sampled
- Prevent anyone from petitioning for a case-specific BUD pursuant to 360.12(d) for fill material

360.13(c) – Exemption of On-Site Reuse of Fill Material

- Materials excavated at a site can be used anywhere on the site in areas of similar **physical** characteristics
- If contaminated material will be used on a site with public access, minimum of 1 foot of clean soil cover must be placed
- Not applicable to Part 375 program sites



360.13(f),(g) – Acceptable Fill Material Uses

- General Fill – can be used anywhere except agricultural crop land or undeveloped land
 - Lower of 6 NYCRR 375-6.8(b) Residential Land Use and Protection of Groundwater SCOs
- Restricted-Use Fill – embankments, transportation corridors and RUF or LUF-equivalent sites
 - General Fill criteria except up to 3 mg/kg total benzo(a)pyrene (BAP) equivalent.
- Limited-Use Fill – under foundations and pavement
 - Restricted-use fill criteria except up to Protection of Public Health-Commercial SCOs for metals

Part 364

Waste Transporters

364 – Waste Transporters

Exemptions include:

- Transportation by rail, water or air
- Residential & industrial waste (exclusions apply)
- **HHW (source-separated & self transported to authorized event/facility)**
- Non-hazardous bottom & fly ash
- Public utility, railroad and **transportation agency wastes (conditions apply)**
- RMW <50 lbs/shipment (criteria apply)
- Waste transported by farm vehicles
- **C&D debris <10 cubic yards/shipment**
- Regulated waste **≤2,000 lbs/shipment** (exclusions apply)
- Uncontaminated drill cuttings
- Approved BUD materials
- Ag waste



364 – Waste Transporters

Registration

- Required for transportation of:
 - RMW <50 lbs/month (must meet specific criteria)
 - HHW ≤50 lbs/shipment (source-separated)
 - Sharps from a household medical waste sharps collection facility
 - Commercial solid waste, other than C&D debris, >2,000 lbs/shipment
 - C&D debris (includes all fill categories) >10 cubic yards/shipment

Permits

- Required for everything else

364 – Waste Transporters

Reporting & Recordkeeping

- Waste tracking documents required for:
 - RMW (Statewide)
 - Restricted-use, limited-use & contaminated fill (Statewide)
 - Non-exempt drilling & production waste (Statewide)
 - C&D debris including general fill generated in New York City
- Annual reports due annually by March 1



Thank You



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