

CONSTRUCTION SITE MATERIALS REUSE UNDER NYSDEC PART 360: QUICK REFERENCE GUIDE

What is the material? Excavated or demolition material description	Am I required to sample it?		Where can I use it?					Regulatory References
	Sampling Required? ^a	Lab Results Meet These Criteria	Highway Rights-of-Way	Farm, Cropland	Farm, Other	Residential Development	Under pavement ^b	
Undisturbed native soil or sand and rock (except in NYC) - Fill Type 1	No	N/A	Yes	Yes	Yes	Yes	Yes	1
Soil, sand and rock from suspect location	Yes	Fill Type 2	Yes	No	Yes	Yes	Yes	1, 2
	Yes	Fill Type 4	Yes	No	No	No	Yes	1, 2
	Yes	Fill Type 5	No	No	No	No	Yes	1, 2
Soil, Sand and Rock with <i>de minimis</i> concrete, brick and asphalt pavement	Yes	Fill Type 3	Yes	No	Yes with 3 inches clean soil cover	Yes with 3 inches clean soil cover	Yes	1, 2
Mixed concrete, rock, brick, Fill Types 1, 2 or 3 (except in Putnam, Westchester, Nassau or Suffolk Counties) with local permit as applicable for grade adjustment	No	N/A	Yes	No	Yes	Yes	Yes	3
Mixed concrete, rock, brick, soil (except in Nassau or Suffolk Counties) for disposal	No	N/A	Yes	No	No	No	No	4
Mixed soil and unrecognizable excavated material (concrete, asphalt, ash, slag, etc.)	Yes	Fill Type 4	Yes	No	No	No	Yes	1,2
Mixed soil and unrecognizable excavated material (concrete, asphalt, ash, slag, etc.)	Yes	Fill Type 5	No	No	No	No	Yes	1,2
Asphalt millings	No	N/A	Yes	No	No, except as pavement ^c	No, except as pavement ^c	Yes	5

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^a Sampling and laboratory analysis according to 6 NYCRR 360.13(e).

^b Materials allowed "under pavement" can be used in any land-use setting under pavement or foundation and above the seasonal high water table.

^c A three- to six-inch layer of millings can be placed and compacted as a light-duty pavement over a prepared subgrade.

REGULATORY REFERENCES

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| 1. 6 NYCRR 360.13(f) | 4. 6 NYCRR 363-2.1(h) |
| 2. 6 NYCRR 360.13(d) and (e) | 5. 6 NYCRR 360.12(c)(3)(ix) |
| 3. 6 NYCRR 360.12(c)(2)(ix) | |

