



New York State Department of Environmental Conservation
Division of Materials Management
USE OF PREDETERMINED BENEFICIAL USE DETERMINATION
Pursuant to 6 NYCRR 360.12(c)

Material	Beneficial Use	Regulatory Citation
No Longer Considered Solid Waste When Used - 360.12(c)(1)		
Certain excluded hazardous wastes	Reclamation, recycling, or reuse in process	360.12(c)(1)(i)
Excavated material*	Fill or cover	360.12(c)(1)(ii)
Dredged sand and gravel	Aggregate	360.12(c)(1)(iii)
On-site generated materials	Grade adjustment	360.12(c)(1)(iv)
*Certain Fill Types require use of the Notification of Fill Transfer for Reuse (PDF, 459 KB)		
No Longer Considered Solid Waste When Received at Location of Use - 360.12(c)(2)		
Uncontaminated newsprint	Animal bedding	360.12(c)(2)(i)
Uncontaminated used wood pallets	Reconditioned or remanufactured pallets	360.12(c)(2)(ii)
Street sweepings, car wash grit, or water system catch basin material	Aggregate or fill	360.12(c)(2)(iii)
Whole or cut waste tires	Tarpaulin weights	360.12(c)(2)(iv)
150 or fewer waste tires	Retaining walls, decoration, playground components, bumper guards, manufactured products feedstock, and similar purposes.	360.12(c)(2)(v)
Bread, bakery products, and spent brewery grains	Livestock or pet food	360.12(c)(2)(vi)
Fruits and vegetables	Animal feed	360.12(c)(2)(vii)
Unprocessed, source-separated recyclables	Manufacturing feedstock	360.12(c)(2)(viii)

Material	Beneficial Use	Regulatory Citation
Uncontaminated concrete or concrete products, asphalt pavement, or millings, brick, rock, Fill Type 1 to 3 or mixtures of these materials	Grade adjustment, surface elevation, land-use	360.12(c)(2)(ix)
Recycled aggregate from bricks, concrete pavement and/or asphalt pavement	Under asphalt pavement or other impermeable surface	360.12(c)(2)(x)
Recycled aggregate from bricks, concrete pavement and/or asphalt pavement – from CDDHRF only	Commercial aggregate in subsurface applications	360.12(c)(2)(xi)
No Longer Considered Solid Waste When Meeting Requirements for Use - 360.12 (c)(3)		
Ground granulated blast-furnace slag	Cement kiln feedstock or concrete aggregate	360.12(c)(3)(i)
Unadulterated wood ash	Soil amendment	360.12(c)(3)(ii)
Industrial waste	Manufacturing feedstock (historical use)	360.12(c)(3)(iii)
Fats, oil, grease, and rendered animal parts	Feedstock for non-fuel products	360.12(c)(3)(iv)
Coal combustion fly ash	Ingredient in concrete products, block, flowable fill	360.12(c)(3)(v)
Flue-gas desulfurization or other gas-scrubbing byproducts	Substitutes for gypsum and calcium chloride (except for land application)	360.12(c)(3)(vi)
Coal combustion bottom ash	Aggregate in concrete, asphalt pavement, or roofing materials	360.12(c)(3)(vii)
Crushed concrete, brick, and/or rock	Aggregate or subbase	360.12(c)(3)(viii)
Ground or milled asphalt pavement	Subbase, backfill of utility cuts, or in pavement mixes	360.12(c)(3)(ix)
Asphalt pavement chunks or millings	Delivered to asphalt pavement manufacturing plant	360.12(c)(3)(x)

Material	Beneficial Use	Regulatory Citation
Concrete and other masonry products	Ready-mix plant for incorporation into a concrete product	360.12(c)(3)(xi)
Clay, till, or rock excavated as part of navigational dredging	Aggregate or fill	360.12(c)(3)(xii)
Excavated Material	Municipal soil reuse program	360.12(c)(3)(xiii)
Scrap Metal, prompt scrap metal and home scrap metal	Industrial or manufacturing process	360.12(c)(3)(xiv)
Dewatered solids	Commercial aggregate or ingredient in flowable fill	360.12(c)(3)(xv)
Wet concrete grinding slurry	Manufactured products or building materials	360.12(c)(3)(xvi)
Materials Processed at Solid Waste Management Facilities - 360.12 (c)(4)		
Processed recyclables, such as crushed glass	Aggregate, mulch, drainage media, manufacturing ingredient	360.12(c)(4)(i)
Compost and other products from 361-3 facilities	Soil conditioning	360.12(c)(4)(ii)
Ground tree debris, wood debris, yard trimmings	Mulch, absorbent, etc.	360.12(c)(4)(iii)
Tire-derived aggregate	Residential septic systems, mulch, playgrounds and athletic fields	360.12(c)(4)(iv)
Scrap metal	Recycling	360.12(c)(4)(v)
Processed used cooking oil and yellow grease	Products meeting applicable standards	360.12(c)(4)(vi)



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This material is being used in compliance with the pre-determined beneficial use determination described at

With any questions, please contact 518-402-8678 or benuse@dec.ny.gov.

CLEAR FORM