New York State Department of Environmental Conservation
Division of Solid and Hazardous Materials
Bureau of Solid Waste, Reduction and Recycling, 9th Floor
625 Broadway, Albany, New York 12233-7253
Phone: (518) 402-8704 • **FAX:** (518) 402-9024
Website: www.dec.state.ny.us

Denise M. Sheehan
Acting
Commissioner

June 6, 2005

Mr. Nicolas Mann
Quay Consulting, LLC
PO Box 812
Nyack, NY 10960

Dear Mr. Mann:

RE: NY Sand & Stone, LLC
BUD No. 846-2-24

The New York State Department of Environmental Conservation (NYSDEC) has reviewed your petition dated May 5, 2005 for a beneficial use determination (BUD) for sand dredged by Amboy Aggregates, Inc., of South Amboy, New Jersey, from the Ambrose Channel, as unrestricted-use aggregate in New York State.

The May 5 petition states the following:

- Sand dredging ("mining") from the Ambrose Channel is conducted in accordance with a US Army Corps of Engineers permit, No. 2001-00492 and a NJ Department of Environmental Protection permit, both held by Amboy Aggregates.
- The sand is distributed in New York by New York Sand & Stone, LLC, of Brooklyn, NY. Sand delivered to New York meets geotechnical criteria for sand aggregate.
- The dredged sand is sampled and analyzed twice per year by Amboy Aggregates, for total metals, pesticides, PCBs, chloride, cyanide, volatile and semi-volatile organic compounds. NY Sand & Stone, in addition, samples and analyzes the sand twice per year for parameters listed in NYSDEC's DER TAGM 4046. The petition provided the most recent results for two samples from Amboy and NY Sand & Stone. No results were found of concern for the proposed use of sand as commercial fill or aggregate.

Based on the above ongoing sampling programs and continued compliance with valid USCOE and NJDEP dredging permits, Amboy Aggregates' dredged sand is not a solid waste when placed in commerce for distribution in New York State as a substitute for mined sand aggregate and fill. Chemical characteristics of the product (including chloride) must not vary significantly from results reported in the petition. Because the sand originates from marine waters, use must be avoided where elevated chloride or other saline elements could result in phytotoxicity or water quality impacts.

This BUD No. 846-2-24 is granted to New York Sand & Stone, LLC, 63 Flushing Avenue, Unit No.311, Brooklyn, NY 11205 (a joint venture of Amboy Aggregates, Inc., and New York Sand Co.). By March 1 of each year, NY Sand & Stone, or its agent, must provide a report to NYSDEC of the quantity of material used in the previous calendar year under this BUD. This report and any other correspondence should be sent to my attention at the above address.

Please contact Kathleen Prather, of my staff, at (518) 402-8678 if you have any questions regarding this BUD.

Sincerely,

Kathleen C Prather for TJL

Thomas J. Lynch, P.E.
Chief, Beneficial Use and Special Projects Section

cc: K. Brezner, NYSDEC Region 2
J. DeRosa, NY Sand & Stone

AMERICAN ANALYTICAL LABORATORIES

NYSDOH 11418
NJDEP NY050
CTDOH PH-0205
PADEP 68-00573

Wednesday, November 09, 2005

Tom Dooley
New York Sand & Stone, LLC
63 Flushing Avenue
Unit 311
Brooklyn, NY 11205
TEL: (718) 596-2897
FAX (718) 624-3363

RE: Semi - Annual Analysis

Order No.: 0510221

Dear Tom Dooley:

American Analytical Laboratories, LLC. received 1 sample(s) on 10/31/2005 for the analyses presented in the following report.

Samples were analyzed in accordance with the test procedures documented on the chain of custody and detailed throughout the text of this report.

The limits provided in the data package are analytical reporting limits and not Federal or Local mandated values to which the sample results should be compared.

There were no problems with the analyses and all data for associated QC met laboratory specifications.

If you have any questions regarding these tests results, please do not hesitate to call (631) 454-6100 or email me directly at lbeyer@american-analytical.com.

Sincerely,

Lori Beyer
Lab Director

American Analytical Laboratories, LLC.

Date: *09-Nov-05*

CLIENT: New York Sand & Stone, LLC
Project: Semi - Annual Analysis
Lab Order: 0510221

Work Order Sample Summary

Lab Sample ID	Client Sample ID	Tag Number	Collection Date	Date Received
0510221-01A	Amboy Sand	7246	10/31/2005 12:15:00 PM	10/31/2005

AMERICAN ANALYTICAL LABORATORIES
56 TOLEDO STREET • FARMINGDALE, NEW YORK 11735
(631) 454-6100 • FAX (631) 454-8027

TAG # / COC 7246

NYSDOH 11418
CTDOH PH-0205
NJDEP NY050
PADEP 68-573

CHAIN OF CUSTODY / REQUEST FOR ANALYSIS DOCUMENT

CLIENT NAME/ADDRESS: N.Y. Sand and Stone, 75 25th St, Brooklyn N.Y.

CONTACT:

SAMPLER (SIGNATURE): Cheryl Dunn

SAMPLER NAME (PRINT): C. Dunn

SAMPLE(S) SEALED: YES / NO

CORRECT CONTAINER(S): YES / NO

PROJECT LOCATION: Semiannual Analysis

ANALYSIS REQUIRED: TAM (plus Hg)

LABORATORY ID #	MATRIX	# CONTAINERS	SAMPLING DATE/ TIME	SAMPLE # - LOCATION	FOR METHANOL PRESERVED SAMPLES (VOLATILE VIAL #)
0510221-1A	S	2	10-3-05 12:15pm	Amboy Sand	X

COOLER TEMPERATURE:

COMMENTS / INSTRUCTIONS: 10/31/05

MATRIX S=SOIL; L=LIQUID; SL=SLUDGE; A-AIR; W=WIPE; P=PAINT CHIPS; B=BULK MATERIAL
TYPE G=GRAB; C=COMPOSITE, SS=SPLIT SPOON

TURNAROUND REQUIRED: NORMAL ☐ STAT ☐ BY / /

RELINQUISHED BY (SIGNATURE)	DATE / TIME	PRINTED NAME	RECEIVED BY LAB (SIGNATURE)	DATE / TIME	PRINTED NAME
Cheryl Dunn	10-3-05 12:30pm	C Dunn		10/31/05 1530	P. Antonio
RELINQUISHED BY (SIGNATURE)	DATE / TIME	PRINTED NAME	RECEIVED BY LAB (SIGNATURE)	DATE / TIME	PRINTED NAME

WHITE-OFFICE / CANARY-LAB / PINK-SAMPLE CUSTODIAN / GOLDENROD-CLIENT

AMERICAN ANALYTICAL LABORATORIES, LLC
56 TOLEDO STREET
FARMINGDALE, NEW YORK 11735
TELEPHONE: (631) 454-6100 FAX: (631) 454-8027

DATA REPORTING QUALIFIERS

For reporting results, the following "Results Qualifiers" are used:

Value	If the result is greater than or equal to the detection limit, report the value
U	Indicates the compound was analyzed for but was not detected. Report the minimum detection limit for the sample with the U, i.e. "10U". This is not necessarily the instrument detection limit attainable for this particular sample based on any concentration or dilution that may have been required.
J	Indicates an estimated value. The flag is used: (1) When estimating a concentration for a tentatively identified compound (library search hits, where a 1:1 response is assumed.) (2) When the mass spectral data indicated the identification, however the result was less than the specified detection limit greater than zero. If the detection limit was 10ug/L and a concentration of 3ug/L was calculated report as 3J. This flag is used when similar situations arise on any organic parameter i.e. Pesticide, PCBs and others.
B	Indicates the analyte was found in the blank as well as the sample report "10B".
E	Indicates the analytes concentration exceeds the calibrated range of the instrument for that specific analysis.
D	This flag identifies all compounds identified in an analysis at a secondary dilution factor.
P	This flag is used for Pesticide / PCB target analyte when there is >25% difference for detected concentrations between the two GC Columns. The higher of the two values is reported on Form I and flagged with a "P".
N	This flag indicates presumptive evidence of a compound. This is only used for tentatively identified compounds (TICs), where the identification is based on a mass spectral library search. It applies to all TIC results. For generic characterization of a TIC, such as chlorinated hydrocarbon, the flag is not used.
H	Indicates sample was received and/or analyzed outside of The method allowable holding time

American Analytical Laboratories, LLC.

Date: *09-Nov-05*

CLIENT:	New York Sand & Stone, LLC	**Client Sample ID:**	Amboy Sand
Lab Order:	0510221	**Tag Number:**	7246
Project:	Semi - Annual Analysis	**Collection Date:**	10/31/2005 12:15:00 PM
Lab ID:	0510221-01A **Date Received:** 10/31/2005	**Matrix:**	SOIL

Analyses	Result	Limit	Qual	Units	DF	Date Analyzed
MERCURY SW-846 7471		**SW7471B**				Analyst: **BK**
Mercury	U	0.0105		mg/Kg-dry	1	11/7/2005
HERBICIDES SW-846 8151		**SW8151A**		**(SW8151)**		Analyst: **KB**
2,4,5-T	U	52		µg/Kg-dry	1	11/8/2005 3:15:00 AM
2,4,5-TP (Silvex)	U	52		µg/Kg-dry	1	11/8/2005 3:15:00 AM
2,4-D	U	52		µg/Kg-dry	1	11/8/2005 3:15:00 AM
PCB'S AS AROCLORS SW-846 METHOD 8082		**SW8082A**		**(SW3550)**		Analyst: **NP**
Aroclor 1242	U	84		µg/Kg-dry	3	11/4/2005 7:09:00 PM
Aroclor 1254	U	84		µg/Kg-dry	3	11/4/2005 7:09:00 PM
Aroclor 1221	U	84		µg/Kg-dry	3	11/4/2005 7:09:00 PM
Aroclor 1232	U	84		µg/Kg-dry	3	11/4/2005 7:09:00 PM
Aroclor 1248	U	84		µg/Kg-dry	3	11/4/2005 7:09:00 PM
Aroclor 1260	U	84		µg/Kg-dry	3	11/4/2005 7:09:00 PM
Aroclor 1016	U	84		µg/Kg-dry	3	11/4/2005 7:09:00 PM
PESTICIDES SW-846 METHOD 8081		**SW8081B**		**(SW3550)**		Analyst: **KB**
4,4'-DDD	U	5.2		µg/Kg-dry	3	11/8/2005 1:58:00 PM
4,4'-DDE	U	5.2		µg/Kg-dry	3	11/8/2005 1:58:00 PM
4,4'-DDT	U	5.2		µg/Kg-dry	3	11/8/2005 1:58:00 PM
Aldrin	U	5.2		µg/Kg-dry	3	11/8/2005 1:58:00 PM
alpha-BHC	U	5.2		µg/Kg-dry	3	11/8/2005 1:58:00 PM
beta-BHC	U	5.2		µg/Kg-dry	3	11/8/2005 1:58:00 PM
Chlordane	U	16		µg/Kg-dry	3	11/8/2005 1:58:00 PM
delta-BHC	U	5.2		µg/Kg-dry	3	11/8/2005 1:58:00 PM
Dieldrin	U	5.2		µg/Kg-dry	3	11/8/2005 1:58:00 PM
Endosulfan I	U	5.2		µg/Kg-dry	3	11/8/2005 1:58:00 PM
Endosulfan II	U	5.2		µg/Kg-dry	3	11/8/2005 1:58:00 PM
Endosulfan sulfate	U	5.2		µg/Kg-dry	3	11/8/2005 1:58:00 PM
Endrin	U	5.2		µg/Kg-dry	3	11/8/2005 1:58:00 PM
Endrin ketone	U	5.2		µg/Kg-dry	3	11/8/2005 1:58:00 PM
gamma-BHC	U	5.2		µg/Kg-dry	3	11/8/2005 1:58:00 PM
Heptachlor	U	5.2		µg/Kg-dry	3	11/8/2005 1:58:00 PM
Heptachlor epoxide	U	5.2		µg/Kg-dry	3	11/8/2005 1:58:00 PM
Methoxychlor	U	5.2		µg/Kg-dry	3	11/8/2005 1:58:00 PM
PERCENT MOISTURE		**D2216**				Analyst: **PA**
Percent Moisture	4.71	0		wt%	1	10/31/2005

Qualifiers:				
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	S	Spike Recovery outside accepted recovery limits	U	Indicates the compound was analyzed for but not detecte

American Analytical Laboratories, LLC.

Date: *09-Nov-05*

CLIENT:	New York Sand & Stone, LLC	**Client Sample ID:**	Amboy Sand
Lab Order:	0510221	**Tag Number:**	7246
Project:	Semi - Annual Analysis	**Collection Date:**	10/31/2005 12:15:00 PM
Lab ID:	0510221-01A **Date Received:** 10/31/2005	**Matrix:**	SOIL

Analyses	Result	Limit	Qual	Units	DF	Date Analyzed
TAGM METALS		**SW6010B**		**(SW3050A)**		Analyst: **JP**
Aluminum	1210	0.372		mg/Kg-dry	1	11/7/2005 1:01:30 PM
Antimony	U	0.465		mg/Kg-dry	1	11/7/2005 1:01:30 PM
Arsenic	8.70	0.465		mg/Kg-dry	1	11/7/2005 1:01:30 PM
Barium	2.78	0.372		mg/Kg-dry	1	11/7/2005 1:01:30 PM
Beryllium	U	0.372		mg/Kg-dry	1	11/7/2005 1:01:30 PM
Cadmium	U	0.186		mg/Kg-dry	1	11/7/2005 1:01:30 PM
Calcium	2660	0.465		mg/Kg-dry	1	11/7/2005 1:01:30 PM
Chromium	5.57	0.372		mg/Kg-dry	1	11/7/2005 1:01:30 PM
Cobalt	4.00	0.372		mg/Kg-dry	1	11/7/2005 1:01:30 PM
Copper	2.31	0.372		mg/Kg-dry	1	11/7/2005 1:01:30 PM
Iron	6090	0.372		mg/Kg-dry	1	11/7/2005 1:01:30 PM
Lead	2.44	0.279		mg/Kg-dry	1	11/7/2005 1:01:30 PM
Magnesium	673	0.372		mg/Kg-dry	1	11/7/2005 1:01:30 PM
Manganese	51.4	0.372		mg/Kg-dry	1	11/7/2005 1:01:30 PM
Nickel	2.88	0.372		mg/Kg-dry	1	11/7/2005 1:01:30 PM
Potassium	715	1.12		mg/Kg-dry	1	11/7/2005 1:01:30 PM
Selenium	U	0.465		mg/Kg-dry	1	11/7/2005 1:01:30 PM
Silver	U	0.372		mg/Kg-dry	1	11/7/2005 1:01:30 PM
Sodium	436	0.558		mg/Kg-dry	1	11/7/2005 1:01:30 PM
Thallium	U	0.279		mg/Kg-dry	1	11/7/2005 1:01:30 PM
Vanadium	6.45	0.372		mg/Kg-dry	1	11/7/2005 1:01:30 PM
Zinc	9.93	0.372		mg/Kg-dry	1	11/7/2005 1:01:30 PM
SEMIVOLATILES SW-846 8270		**SW8270D**		**(SW3550A)**		Analyst: **RN**
2,4,5-Trichlorophenol	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
2,4-Dichlorophenol	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
2,4-Dinitrophenol	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
2,6-Dinitrotoluene	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
2-Chlorophenol	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
2-Methylnaphthalene	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
2-Methylphenol	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
2-Nitroaniline	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
2-Nitrophenol	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
3,3'-Dichlorobenzidine	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
3+4-Methylphenol	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
3-Nitroaniline	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
4-Chloro-3-methylphenol	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
4-Chloroaniline	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM

Qualifiers:

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American Analytical Laboratories, LLC.

Date: *09-Nov-05*

CLIENT:	New York Sand & Stone, LLC	**Client Sample ID:**	Amboy Sand
Lab Order:	0510221	**Tag Number:**	7246
Project:	Semi - Annual Analysis	**Collection Date:**	10/31/2005 12:15:00 PM
Lab ID:	0510221-01A **Date Received:** 10/31/2005	**Matrix:**	SOIL

Analyses	Result	Limit	Qual	Units	DF	Date Analyzed
4-Nitrophenol	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Acenaphthene	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Acenaphthylene	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Aniline	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Anthracene	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Benzo(a)anthracene	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Benzo(a)pyrene	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Benzo(b)fluoranthene	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Benzo(g,h,i)perylene	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Benzo(k)fluoranthene	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Benzoic acid	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Bis(2-ethylhexyl)phthalate	220	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Butyl benzyl phthalate	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Chrysene	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Dibenzo(a,h)anthracene	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Diethyl phthalate	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Dimethyl phthalate	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Di-n-butyl phthalate	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Di-n-octyl phthalate	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Fluoranthene	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Fluorene	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Hexachlorobenzene	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Indeno(1,2,3-c,d)pyrene	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Isophorone	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Naphthalene	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Nitrobenzene	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Pentachlorophenol	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Phenanthrene	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Phenol	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
Pyrene	U	130		µg/Kg-dry	3	11/3/2005 6:40:00 PM
VOLATILES SW-846 8260		**SW8260B**				Analyst: **SB**
1,1,1-Trichloroethane	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
1,1,2,2-Tetrachloroethane	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
1,1,2-Trichloro-1,2,2-trifluoroethane	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
1,1-Dichloroethane	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
1,1-Dichloroethene	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
1,2,3-Trichloropropane	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
1,2,4-Trichlorobenzene	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
1,2-Dichlorobenzene	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
1,2-Dichloroethane	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM

Qualifiers:

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E	Value above quantitation range	H	Holding times for preparation or analysis exceeded
J	Analyte detected below quantitation limits	ND	Not Detected at the Reporting Limit
S	Spike Recovery outside accepted recovery limits	U	Indicates the compound was analyzed for but not detecte

American Analytical Laboratories, LLC.

Date: *09-Nov-05*

CLIENT: New York Sand & Stone, LLC
Client Sample ID: Amboy Sand
Lab Order: 0510221
Tag Number: 7246
Project: Semi - Annual Analysis
Collection Date: 10/31/2005 12:15:00 PM
Lab ID: 0510221-01A **Date Received:** 10/31/2005
Matrix: SOIL

Analyses	Result	Limit	Qual	Units	DF	Date Analyzed
1,3-Dichlorobenzene	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
1,3-dichloropropane	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
1,4-Dichlorobenzene	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
2-Butanone	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
4-Methyl-2-pentanone	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
Acetone	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
Benzene	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
Carbon disulfide	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
Carbon tetrachloride	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
Chlorobenzene	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
Chloroethane	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
Chloroform	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
Dibromochloromethane	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
Ethylbenzene	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
Methylene chloride	28	5.2	B	µg/Kg-dry	1	11/5/2005 1:10:00 AM
Tetrachloroethene	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
Toluene	2.2	5.2	J	µg/Kg-dry	1	11/5/2005 1:10:00 AM
trans-1,2-Dichloroethene	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
Trichloroethene	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
Vinyl chloride	U	5.2		µg/Kg-dry	1	11/5/2005 1:10:00 AM
Xylenes, Total	U	16		µg/Kg-dry	1	11/5/2005 1:10:00 AM
CYANIDE		**SW9012A**				Analyst: **IP**
Cyanide, Total & Amenable: Auto Colorimetric	U	1.05		mg/Kg-dry	1	11/7/2005

Qualifiers:

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