



Division of Materials Management

Beneficial Use Determination Petition - Brine for Road Treatment

OFFICIAL USE ONLY
DATE RECEIVED
PROJECT NUMBER
STAFF INITIALS
DATE

6 NYCRR Part 360.12 addresses materials which, when used in the manner noted in that subdivision, are not considered solid wastes (for the purposes of Parts 360-369) In the case of production brine from gas or oil wells, or brine from liquid-petroleum-gas (LPG) storage facilities: individuals, companies or municipalities wanting to use brine to treat road surfaces need to petition for a beneficial use determination (BUD) pursuant to 6 NYCRR Part 360.12(f). This form has been developed to assist you in obtaining a case-specific BUD for these types of brine as road treatment materials.

Note: This form is intended to address the requirements of 6 NYCRR Part 360.12(f) and does not cover any other local, State or Federal regulations and requirements.

Petitioner Information

Full Name: _____
Last first M.I.

Association: _____
Company Title

Primary Address: _____
Street Address City/Town

County Zip Code

Primary Phone: () _____ **Primary Email:** _____

Are you a: Waste Producer Waste Hauler Municipality Other

Road Treatment Brine Information

Type of Waste: Gas Well Brine Oil Well Brine Storage Cavern Brine Other

Proposed Use: Dust Control Road Stabilization De-icing Other

List the source of the waste, including address.

If from a well or multiple wells, list well I.D. number(s). If a storage pond, give the facility address.

Please note that flow-back fluids are not allowed to be road spread.

Analysis

Pursuant to 6 NYCRR Part 360.12(f)(vi), a chemical analysis from the proposed point of use of brine must, at minimum, include results on a brine sample for chlorides, sulfates, sodium, calcium, lead, iron, barium, oil & grease, TDS (total dissolved solids), benzene, ethyl-benzene, toluene, and xylene. The analysis must be completed by a NYSDOH-approved laboratory and must be completed within the previous 12 months. Please submit the complete analysis as an attachment to this form.

Is the laboratory analysis attached?

Road Spreading Plan

The road spreading plan is designed to keep excessive waste from seeping through or flowing off of the road surface.

For dust control on gravel roads, spreading must be limited to no closer than 50 feet to a stream, creek, lake or other body of water. Dust control BUD materials may only be applied between sunrise and sunset. BUD materials may not be applied on wet roads, or when rain is imminent. BUD materials may not be applied on steep grades where run-off is likely. For road de-icing, BUD materials should be used in accordance with NYSDOT guidelines for anti-icing.

Describe the equipment used to road-spread the BUD material. This should include a spreader bar with shut-off controls in the cab of the truck.

Describe the proposed rate and frequency of application. The rate should be given in lane-mile terms. Frequency is the anticipated number of applications in a year.

Road Treatment Destination Information

List or describe the roadways, driveways or parking areas where the material will be spread. If a private property, list the type of property or business. If necessary a map or diagram may be attached.

If private property, you must include a letter of approval to spread a waste material from the property owner. Verification of ownership may also be required. If municipal property, the appropriate municipal signature must be included.

Is this approval letter attached?

Material Storage Plan

Where applicable, a storage plan must be included with a description of the type, material, size and number of storage tanks, as well as the maximum anticipated storage volume.

List procedures for annual sample collection and analysis pursuant to 6 NYCRR Part 360.12(f)(3)(ix).

List provisions for secondary containment or other means of spill prevention and response.

List procedures for petroleum-brine separation, if applicable.

Part 364 Waste Hauler
Permit Number, if
required.

NOTICE: Pursuant to ECL Section 3-0301(2)(Q): False statements made on this application are punishable pursuant to Section 210.45 of the New York State Penal Code.

Signature

Title

Date

Send this completed form and any supporting attachments to the **Materials Management Supervisor** in your DEC Region (for help, see <http://www.dec.ny.gov/about/558.html>), with a copy to:

Kathleen A. Prather, P.E.
Bureau of Solid Waste Management
Division of Materials Management
NYSDEC
625 Broadway, 9th Floor
Albany, NY 12233-7260

Please contact Ms. Prather at (518) 402-8678 or at benuse@dec.ny.gov if you have any questions about petitioning for a case-specific BUD.