

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
<b>No Longer Considered Solid Waste When Used</b>		
Certain excluded hazardous wastes	Reclamation, recycling, or reuse in process	360.12(c)(1)(i)
Untested clean soil*	Fill or cover	360.12(c)(1)(ii)
Tested clean soil (general fill)*	Fill or cover	360.12(c)(1)(iii)
Urban or mixed fill material	Fill	Use <a href="#">Notification of Fill Reuse Form</a>
Dredged sand and gravel	Aggregate	360.12(c)(1)(iv)
*Only for soil generated outside New York City		
<b>No Longer Considered Solid Waste When Received at Location of Use</b>		
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)
Bread, bakery products, and spent brewery grains	Livestock or pet food	360.12(c)(2)(vi)
Unprocessed, source-separated recyclables	Manufacturing feedstock	360.12(c)(2)(vii)
<b>No Longer Considered Solid Waste When Meeting Requirements for Use</b>		
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)
Mixed crushed concrete, brick, rock, and asphalt pavement	Subbase or fill under pavement	Sept. 19, 2019 EDL Para II
Asphalt pavement chunks or millings	Delivered to asphalt pavement manufacturing plant	360.12(c)(3)(x)
Clay, till, or rock excavated as part of navigational dredging	Aggregate or fill	360.12(c)(3)(xi)
<b>Materials Processed at Solid Waste Management Facilities</b>		
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](mailto:benuse@dec.ny.gov).

CLEAR FORM