

Beneficial Use Determination Petition – General

OFFICIAL USE ONLY			
DATE RECEIVED			
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 33px; height: 20px;"></td> <td style="border: 1px solid black; width: 33px; height: 20px;"></td> <td style="border: 1px solid black; width: 33px; height: 20px;"></td> </tr> </table>			
PROJECT NUMBER			
STAFF INITIALS			
DATE			
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 33px; height: 20px;"></td> <td style="border: 1px solid black; width: 33px; height: 20px;"></td> <td style="border: 1px solid black; width: 33px; height: 20px;"></td> </tr> </table>			

6 NYCRR Part 360.12(c) addresses various pre-determined wastes, residual or by-product materials which, when used in the manner noted in that subdivision, are not considered solid wastes (for the purposes of Parts 360-369). In situations where a particular proposed reuse is not specifically identified in that subdivision, material generators and potential users may petition the Department for a case-specific beneficial use determination (BUD) under Subdivision 360.12(d). This form has been developed to assist applicants in obtaining a case-specific BUD. Before using this form, the petitioner should determine whether another of the BUD petition forms may be appropriate for their material. If no form appears applicable, this form should be used.

Note: This form is intended to address the requirements of 6 NYCRR Part 360.12(d) only and does not cover other federal, state, or local approvals that may be necessary for use of the waste, residual or by-product material.

Petitioner Information

Full Name:

<i>Last</i>	<i>First</i>	<i>M.I.</i>

Affiliation:

<i>Company</i>	<i>Title</i>

Primary Address:

<i>Street Address</i>	<i>City/Town</i>
<i>County</i>	<i>Zip Code</i>

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

Waste, Residual or By-Product Information

Waste Information:

<i>Type of Waste, Residual or By-Product</i>	<i>Estimated Annual Quantity (in tons or cubic yards)</i>

Source or Generation Facility:

<i>Facility Name</i>	<i>DEC Facility Authorization, if any (DEC registration; DEC permit; Out of State; Other)</i>

Source Facility Location (Address, Town, County)

Details of Use:

<i>Brief Description of How Material Will Be Used</i>	<i>Duration of project (up to 5 years- can be renewed)</i>

Location(s) of Use:

<i>Location of use, if applicable (Name and Address)</i>	<i>Quantity in tons or cubic yards at this location, annually</i>

<i>Location of use, if applicable (Name and Address)</i>	<i>Quantity in tons or cubic yards at this location, annually</i>

NOTE: Attach additional sheets to list other sources of materials and locations of use, if applicable.

Attachments Supporting a BUD

Note to Petitioners : The following is a list of attachments which are commonly found in approvable BUD petitions. This list is not intended to be all inclusive. Each BUD petition is unique and the type of information which may be used to support a determination of beneficial use will vary. Petitioners are encouraged to include all relevant documentation showing that the proposed use is truly beneficial (does not constitute disposal), will not pose a risk to the environment or to public health and safety and will not result in nuisance conditions.

Attached N/A

Physical description of waste, residual or by-product material proposed for beneficial use, including weight and volume annually.

Details concerning how the waste will be used as a substitute for a commercial product or raw material. Figures may be helpful; for example, a diagram or flowchart for a manufacturing process, or a plan drawing for use of a material at a construction site.

Detailed description of source, process or treatment system from which the waste originates. Include any and all process chemicals added and their quantity.

Representative physical/geotechnical testing results for the waste with comparison to industry or government standard(s) applicable to the proposed use.

Analytical data concerning the chemical and physical characteristics of the waste.

Analytical data concerning the chemical and physical characteristics of each type of proposed product.

Analytical data concerning the chemical and physical characteristics of any analogous raw material or commercial product for which the waste is proposed to be an effective substitute.

Justification that the waste functions as an effective substitute for the commercial product or raw material and that the use meets or exceeds government or industry standards or specifications.

Demonstration of market (see 360.12(d)(2)(vi)).

Comparison of chemical and physical characteristics of the waste to applicable or relevant and appropriate criteria for beneficial use. For materials placed on the land as fill or cover, note requirements of 360.12(d)(3)(vi).

Describe any other potential adverse effects from use of the waste (including but not limited to odors, roots or seeds of invasive species).

Waste Control Plan:

1. Procedure for periodic testing of the waste, and if necessary the product(s).
2. Type of storage of waste and maximum anticipated storage volume. Note: Storage cannot exceed 365 days without Department approval.
3. Procedures for run-on and run-off control in storage areas.
4. What best management practices will be followed to minimize uncontrolled dispersion of the waste prior to and during beneficial use?

If Petition Request Attachments are not applicable state why. Attach additional sheets as necessary.

Solid Waste Facility Permit Requirements

Yes No

Will the proposed material require decontamination or processing before beneficial use? (If yes, describe)

Will a fee be charged for use by any receiving site for acceptance and use of the material?

Certification

I hereby affirm under penalty of perjury that information provided on this form (including attached statements and exhibits) was prepared by me or under my supervision and direction and is true to the best of my knowledge and belief, and that I have authority or am authorized to sign this application pursuant to 6 NYCRR Part 360. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law and ECL Section 3-0301(2)(Q).

Signature

Print Name

Date

Before you submit this application, please verify:

- All fields of the application are complete (indicate N/A (not applicable) if appropriate).
- You have signed and dated above.
- You have enclosed all supporting information.

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 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 benuse@dec.ny.gov if you have any questions about petitioning for a case-specific BUD.