

## Beneficial Use Determination Petition – Mulch

OFFICIAL USE ONLY			
DATE RECEIVED			
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PROJECT NUMBER			
STAFF INITIALS			
DATE			
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6 NYCRR Part 360-1.15(b) addresses 16 pre-determined materials which, when used in the manner noted in that subdivision, are not considered solid wastes (for the purposes of Part 360). 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 Part 360-1.15(d). This form has been developed to assist applicants in obtaining a case-specific BUD for the use of wood from various sources to serve as mulch. Note that mulch produced solely from unadulterated wood, wood chips or bark from land clearing and maintenance operations, pulp and paper production, and wood products manufacturing ceases to be solid waste when placed in commerce as mulch, in accordance with 6 NYCRR 360-1.15(b)(3), and does not require a case-specific BUD.

This form is intended to address the requirements of 6 NYCRR 360-1.15(d) only and does not cover other federal, state, or local approvals that may be necessary for production or use of the proposed mulch material.

**Petitioner Information**
**Full Name:**

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*Last*
*First*
*M.I.*
**Affiliation:**

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*Company*
*Title*
**Primary Address:**

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*Street Address*
*City/Town*

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*County*
*Zip Code*
**Primary Phone:** (    ) \_\_\_\_\_ **Primary Email:** \_\_\_\_\_

**Mulch Material Information**
**Waste Information:**

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*Type of wood to be used as a mulch (pallets, C&D debris or other)*
*Estimated Total Quantity (in tons or cubic yards)*
**Mulch Production Facility Information:**

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*Facility Name*
*Facility Authorization (DEC registration; DEC permit; Out of State; Other.)*

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*Facility Location(s) (Address, Town, County)*
**Details of Use:**

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*Area of proposed market (counties)*
*Duration of project (up to 5 years)*

## Petition Attachments

**Attachments  
Needed for  
Review of  
Petition**

- | Attached                 | N/A                      |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Baseline sampling and analysis results for mulch if required   |
| <input type="checkbox"/> | <input type="checkbox"/> | Maximum quantities of unprocessed and processed wood to be stored on site  |
| <input type="checkbox"/> | <input type="checkbox"/> | Solid Waste Control Plan: <ol style="list-style-type: none"> <li>1. Procedures for separating and keeping separate uncontaminated and unadulterated wood until and after shredding, grinding and/or dyeing.</li> <li>2. Periodic visual inspection using the Container Test or other Department-approved protocol,</li> <li>3. Periodic chemical analysis (if required)</li> <li>4. Procedures for quarantining and prompt disposal of adulterated wood, non-wood material, or wood infected with invasive species.</li> </ol> |
| <input type="checkbox"/> | <input type="checkbox"/> | Contingency Plan: <ol style="list-style-type: none"> <li>1. Is contact information for emergency services readily available?</li> <li>2. List name and contact information for facility personnel to be contacted in an emergency.</li> <li>3. List and describe emergency equipment.</li> <li>4. Describe facility evacuation plan (attach site plan drawing if available).</li> </ol>  |

## Certification

**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*

***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 submitted a Record of Compliance (if required).

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/50230.html>), with a copy to:

Gus Carayiannis, P.E.  
Bureau of Permitting and Planning  
Division of Materials Management  
NYSDEC  
625 Broadway, 9th Floor  
Albany, NY 12233-7260

Please contact Mr. Carayiannis or Kathleen Prather at (518) 402-8678 or [benuse@dec.ny.gov](mailto:benuse@dec.ny.gov) if you have any questions about petitioning for a case-specific BUD.