



New York State Department of Environmental Conservation
Division of Materials Management

USE OF PREDETERMINED BENEFICIAL USE DETERMINATION

Pursuant to 6 NYCRR 360.12(c)

To Whom It May Concern:

This material is being used in compliance with the pre-determined beneficial use determination described at 6 NYCRR 360.12(c)(1)(i):

*“The following cease to be waste when used as described in this paragraph....**materials identified in subparagraphs 371.1(e)(1)(vi) through (viii) of this Title that cease to be solid waste as defined in section 371.1 of this Title.**”*

“6 NYCRR 371.1(e)(1)...The following materials are not solid wastes for the purpose of this Part:...

(vi) black liquor that is reclaimed in a Kraft pulping liquor recovery furnace and then used in the Kraft process unless it is accumulated speculatively as defined in paragraph (a)(1) of this section;

(vii) spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in paragraph (a)(1) of this section;

(viii) secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:

(a) only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

(b) reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces or incinerators);

(c) the secondary materials are never accumulated in such tanks for over 12 months without being reclaimed; and

(d) the reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.”

Transportation of this material **requires** a Part 364 Waste Transporter permit if materials are not reused on the site of generation, and if quantities shipped exceed one ton per vehicle per shipment. Shipment of these materials is not subject to manifesting requirements of Part 372 provided all conditions of these exclusions are followed.

With any questions, please contact (518) 402-8678 or benuse@dec.ny.gov .