



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)(2)(iv) and the January 25, 2019 NYSDEC Enforcement Discretion Letter (EDL) Paragraph VII:

*“The following cease to be waste when received at the location of use as described in this paragraph...**(iv) waste tires required to secure tarpaulins in common weather protection practices such as agricultural storage covers and salt pile protection, provided the number of passenger tire equivalents used does not exceed 0.25 passenger tire equivalents per square foot of cover or bunker area, and whole tires are cut in half or have sufficient number of holes drilled in them to prevent retention of water.**”*

NOTE January 25, 2019 EDL allows whole tires in this use:

*“VII. Waste tires used to secure tarpaulins. The new Part 360 Series, which addresses the use of waste tires to secure tarpaulins in common weather protection practices, requires adjustments to better suit the needs of the agricultural community. The Department will utilize its enforcement discretion with respect to the enforcement of 6 NYCRR Subpart 361-6, as long as the use of waste tires to secure tarpaulins is done in accordance with the pre-determined beneficial use found at **Section 360.12(c)(2)(iv) or BUD 1137-0-00, dated December 4, 2014**, which permits the use of waste tires to anchor plastic film or other cover material for corn silage, haylage or other agricultural feeds if certain conditions are met.”*

BUD 1137-0-00 includes the following conditions for use of tires on bunker silos:

1. This BUD applies when the waste tires are received at the farm. The amount of waste tires received cannot exceed the amount needed for bunker silos. Any waste tires that are not used for bunker silos for a period of more than 18 months must be removed from the farm.
2. Procedures (such as drilling holes in the waste tires), must be in place to minimize standing water and insect breeding during storage and use of the waste tires.
3. Waste tires stored at the farm, when not in use on the bunker silos, must be stored away from combustible materials and from potential ignition sources. Procedures and means to extinguish fires must be in place at all times.
4. The burial of waste tires is prohibited.
5. The burning of waste tires is prohibited.

Transportation of this material **requires a Part 364 Waste Transporter permit when quantities exceed one ton per vehicle per shipment**, or unless transported by a farm vehicle for use on a farm. One ton equals approximately 100 passenger, 55 truck, or 14 large truck tires.

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