



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)(4)(iv):

*“The following cease to be waste when the material leaves a facility subject to exemption or regulation under Part 361 or 362 of this Title, provided the material is ultimately recycled or reused...**(iv) tire-derived aggregate for use as: (a) residential on-site septic system drainage media, provided the tire-derived aggregate meets the specification found in 10 NYCRR Appendix 75-A, (b) mulch provided the tire-derived aggregate has a nominal size of less than one inch in any direction, is at least 99.9 percent wire free, and has no protruding wire, or (c) playground surface and athletic field material, provided the tire-derived aggregate has a nominal size of less than 3/8 inches in any direction, is at least 99.9 percent wire free, and has no protruding wire.**”*

Transportation of this material **does not** require a Part 364 Waste Transporter permit or registration.

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