

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Office of Environmental Quality, Region 5

232 Golf Course Road, Warrensburg, NY 12885

P: (518) 623-1200 | F: (518) 623-3603

www.dec.ny.gov

*DRAFT 9/11/23*

Mr. Raymond Apy, CEO  
Saratoga Biochar Solutions, LLC  
26F Congress St #346  
Saratoga Springs, NY 12866

**RE: Beneficial Use Determination (BUD) #1504-5-46  
Use of Carbon Fertilizer as Soil Amendment**

Dear Mr. Apy:

The Bureau of Solid Waste Management (Bureau) and Organics Reduction and Recycling Section have reviewed the March 29, 2022, petition from Saratoga Biochar Solutions, LLC (SBS) for a beneficial use determination (BUD) for biochar (SBS has named “Carbon Fertilizer”) produced at the Saratoga Biochar Solutions facility as a soil amendment. Carbon Fertilizer will be produced at the facility located at 2-12 Electric Drive, Moreau, Saratoga County, NY using biosolids and wood pyrolysis and the biochar product will be distributed for use as soil amendment.

The proposed product, Carbon Fertilizer, may be sold or distributed in New York State as a soil amendment provided the criteria in the BUD petition and the conditions in this approval are met. The Department has determined that this use of this product is a beneficial use pursuant to 6 NYCRR 360.12(d). This BUD is subject to the following conditions:

1. This BUD applies to the soil amendment (named Carbon Fertilizer) that will be produced at the Saratoga Biochar Solutions facility.
2. The production of the soil amendment must be in compliance with the DEC solid waste facility permit.
3. If Carbon Fertilizer is to be distributed as a commercial fertilizer, the material must obtain the applicable licensing and approvals from the New York State Department of Agriculture and Markets.
4. The Carbon Fertilizer can only be distributed for use on soils and crops where the product will increase soil fertility, as determined by the Department. If used at a composting facility, the product must be beneficial to the composting process and the resultant compost product.
5. Prior to distribution of the first batch of product, SBS must apply to the Department for approval, providing following information:

- (i) The quantity of product.
  - (ii) The proposed site(s) where the product will be used and justification of the soil benefit.
  - (iii) Copies of all test results for Carbon Fertilizer, both prior to and after the addition of any additives to enhance nutrient value.
6. An annual BUD report must be filed by March 1 following the end of each calendar year. The annual report must include the following:
- (i) The total quantity of Carbon Fertilizer product produced and distributed.
  - (ii) Copies of all test results for Carbon Fertilizer.
  - (iii) A description of the product distribution and how the use benefited the crop(s) grown.
7. All submissions required under this BUD should be sent to:
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| Kevin Wood, PE<br>Regional Materials Management Engineer<br>NYSDEC Region 5<br>232 Golf Course Road<br>Warrensburg, NY 12885 | Sally Rowland, PhD, PE<br>Bureau of waste Reduction and Recycling<br>Division of Materials Management<br>NYSDEC<br>625 Broadway, 9th Floor<br>Albany, NY 12233-7253 |
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- Submissions may be made electronically upon arrangement with the above addressees.
8. The Department reserves the right to modify, suspend, or revoke this BUD at any time, upon notice and opportunity to be heard, if it finds pursuant to 6 NYCRR Part 360.12(d)(5) any of the following: that one or more factors serving as the basis for this BUD is incorrect or no longer valid; or the Department finds there has been a violation of the conditions of this BUD; or if necessary to prevent adverse impacts to the public health or the environment or to control nuisances.
9. This determination does not relieve Saratoga Biochar Solutions, LLC, its agents or contractors, from responsibility to comply with applicable local, state or federal requirements, including NYS Department of Agriculture and Markets product licensing requirements.
10. This BUD will expire five years from the date of this letter. A renewal and modification may be granted upon written request and justification.

Sincerely,

DRAFT

