



Oregon

John A. Kitzhaber, Governor

Department of Environmental Quality

Northwest Region
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October 3, 2013

Cliff Wright
Maintenance Superintendent
Millbank Materials USA, Ltd.
15540 N. Lombard St.
Portland, OR 97203

RE: Beneficial Use Determination Approval
BUD No. **BUD-20120301**
TENEX Management, Ltd., Spent Silica Sand
Multnomah County

Dear Mr. Wright:

The Department of Environmental Quality has reviewed and approves the TENEX Management's (hereinafter TENEX) February 7, 2012 application (fully completed by April 10, 2013) for a solid waste beneficial use determination. The approval is for the use of approximately 1,509 tons of primarily spent silica sand (91%), old asphalt (8%), and old concrete (1%) stockpiled on-site, as replacement for virgin sand in the construction of 2' by 5' concrete Econo Blocks, a form of Jersey Barrier. The Blocks will only be used at your leased Port of Portland facility at 15540 N. Lombard St., for ore containment bin walls.

DEQ has determined that TENEX's proposed beneficial use meets the requirements for a Tier 2 case-specific beneficial use determination and the performance criteria under Oregon Administrative Rules (OAR) 340-093-0260 through 0290. Details of our review are provided in the attached *Beneficial Use of Solid Waste Determination Evaluation Form*.

This beneficial use determination is limited to the materials, approved use, and conditions specified in this letter. The conditions of this beneficial use determination are intended to prevent adverse impacts to public health, safety, welfare or the environment from the use of your materials.

Material

The material consists of approximately 1,509 tons of primarily spent silica sand that was generated from the casting molds at the Thompson Metal Fab and Dunkin & Bush steel foundries in Portland. Additional material consists of on-site virgin silica sand, old concrete and old asphalt. The completed TENEX application included analytical results of this material.

DEQ reviewed the analytical results of the material against human health occupational risk-based concentrations, DEQ's ecological screening level values, and default metals soil background values. DEQ's review indicated that contaminant concentrations in the material were below levels of concern when used in the construction of concrete Econo Blocks.

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Approved Use

DEQ approves use of the spent silica sand, old asphalt and old concrete as a replacement for virgin sand in the construction of concrete Econo Blocks.

Conditions on Use

All materials storage, manufacturing, and block curing must take place inside the warehouse under cover.

TENEX must build the Econo Blocks by June 30, 2014. If the Econo Blocks are not built by this deadline, then the remaining unprocessed material must be properly disposed of as solid waste.

During the term of the Port lease with TENEX, TENEX must only use the constructed Econo Blocks on-site for ore containment bin walls. If TENEX wishes to use the Econo Blocks for other uses or applications, TENEX must first consult with DEQ to determine that the uses will not cause environmental impacts.

At the time that the Port of Portland's lease ends, TENEX will need to remove the Econo Blocks from Port property. TENEX must consult with DEQ prior to removal of the Econo Blocks to ensure that the Econo Blocks are moved and used for future purposes in ways that will not adversely impact the environment.

Reporting

Within two months of the completion of the construction of the Econo Blocks, TENEX must provide a report to DEQ. The report must include the amount of material used in the construction of the Blocks, and the actual use of the Blocks.

If you have any questions about this BUD, please call me at 503-229-5072 or Jay Collins at 503-229-5008.

Sincerely,



Audrey O'Brien, Manager
Northwest Region Environmental Partnerships

encl: Beneficial Use of Solid Waste Determination Evaluation Form

cc: Jay Collins, DEQ Northwest Region, collins.jay@deq.state.or.us
David Breen, Port of Portland, David.Breen@portofportland.com