



Application for a
**Solid Waste
 Beneficial Use
 Determination**

DEQ USE ONLY - BUSINESS OFFICE

Date Received: 7/28/15
 Amount Received: \$2,000.00
 Check No.: 335327
 Deposit No.: _____

Forward confirmation of fee payment for:
 Eastern Region to DEQ, The Dalles
 Northwestern Region to DEQ-NWR, Portland
 Western Region to DEQ, Eugene

A. REFERENCE INFORMATION (Please type or print clearly.)

Port of Portland		Richard Vincent	
Legal name of applicant		Business name of applicant if different	
P.O. Box 3529		Portland	OR 97218
Mailing address		City	State Zip
503-415-6236	503-528-6553	Richard.Vincent@portofportland.com	503-548-5801
Phone	Mobile	E-mail	Fax

City of Gresham - Jeff Shelley			
Generator of solid waste (may be same as applicant)			
1333 NW Eastman Parkway		Gresham	OR 97030
Mailing address		City	State Zip
503-618-2550		Jeff.shelley@greshamoregon.gov	503-665-6825
Phone	Mobile	E-mail	Fax

B. TYPE OF BENEFICIAL USE DETERMINATION REQUESTED Beneficial Use Determination applications are categorized based on the type of information and potential amount of work required by DEQ staff to review application materials and render a decision. A tiered review and fee system has been established in rule. The tiers are:

- Tier 1 For a beneficial use of a solid waste that does not contain hazardous substances significantly exceeding the concentration in a comparable raw material or commercial product and that will be used in a manufactured product;
- Tier 2 For a beneficial use of a solid waste that contains hazardous substances significantly exceeding the concentration in a comparable raw material or commercial product, or involves application on the land;
- Tier 3 For a beneficial use of a solid waste that requires research, such as a literature review or risk assessment, or for a demonstration project to demonstrate compliance with this rule.

I am applying for a Tier 1 Tier 2 Tier 3 determination.

C. DOES THIS PROPOSED BENEFICIAL USE INVOLVE LAND APPLICATION OF ANY MATERIAL?

Yes No

D. SIGNATURE I hereby certify by my signature below that the information contained in this application, and the documents I have attached, are true and correct to the best of my knowledge and belief.

Keith Leavitt KEITH LEAVITT CHIEF COMMERCIAL OFFICER 07/27/2015
 Signature of legally authorized representative Print name Title Date

E. REQUIRED ATTACHMENTS TO THIS APPLICATION *(For an application to be complete, it must provide the required information for each listed item of the tier which is being applied for.)*

Tier 1

- A description of the material, manner of generation, and estimated quantity to be used each year;
- A description of the proposed use;
- A comparison of the chemical and physical characteristics of the material proposed for use with the material it will replace;
- A demonstration of compliance with the performance criteria in OAR 340-093-0280 based on knowledge of the process that generated the material, properties of the finished product, or testing; and
- Any other information that DEQ may require to evaluate the proposal.

Tier 2

- The information required for a Tier 1 application;
- Sampling and analysis that provides chemical, physical, and biological characterization of the material and that identifies potential contaminants in the material or the end product, as applicable;
- A risk screening comparing the concentration of hazardous substances in the material to existing, DEQ approved, risk-based screening level values, and demonstrating compliance with acceptable risk levels;
- Location or type of land use where the material will be applied, consistent with the risk scenarios used to evaluate risk;
- Contact information of property owner(s) if this is a site-specific land application proposal, including name, address, phone number, e-mail, site address and site coordinates (latitude and longitude); and
- A description of how the material will be managed to minimize potential adverse impacts to public health, safety, welfare, or the environment.

Tier 3

- The information required for a Tier 1 & 2 application;
- A discussion of the justification for the proposal;
- An estimate of the expected length of time that would be required to complete the project, if it is a demonstration; and
- If it is a demonstration project, the methods proposed to ensure safe and proper management of the material.

F. PERFORMANCE CRITERIA *(For all tiers - An application for a beneficial use determination must demonstrate satisfactory compliance with the following performance criteria.)*

The use is productive, including:

- ◆ There is an identified or reasonably likely use for the material that is not speculative;
- ◆ The use is a valuable part of a manufacturing process, an effective substitute for a valuable raw material or commercial product, or otherwise authorized by DEQ, and does not constitute disposal; and
- ◆ The use is in accordance with applicable engineering standards, commercial standards, and agricultural or horticultural practices.

The use will not create an adverse impact to public health, safety, welfare, or the environment, including:

- ◆ The material is not a hazardous waste under ORS 466.005;
- ◆ Until the time the material is used in accordance with a beneficial use determination, the material will be managed, including any storage, transportation, or processing, to prevent releases to the environment or nuisance conditions;
- ◆ Hazardous substances in the material do not significantly exceed the concentration in a comparable raw material or commercial product, or do not exceed naturally occurring background concentrations, or do not exceed acceptable risk levels, including evaluation of persistence and potential bioaccumulation, when the material is managed according to a beneficial use determination.

The use will not result in the increase of a hazardous substance in a sensitive environment.

The use will not create objectionable odors, dust, unsightliness, fire, or other nuisance conditions.

The use will comply with all applicable federal, state, and local regulations.

G. FEES (Must accompany the application for it to be considered complete)

<input type="checkbox"/>	Tier 1 beneficial use determination	\$1,000
<input checked="" type="checkbox"/>	Tier 2 beneficial use determination	\$2,000
<input type="checkbox"/>	Tier 3 beneficial use determination	\$5,000

Make checks out to: **Oregon DEQ**

Total fees included: _____

H. APPLICATION PROCEDURE

Step 1

Contact a DEQ staff person for assistance with the preparation of the application. DEQ staff will help with: 1) Determination of the eligibility for a beneficial use determination of a particular waste or process; and, 2) If eligible, establish the tier of beneficial use determination review required and associated fee to submit with the application.

Step 2

Mail the original signed application, all attachments, including the fee payment plus one extra copy to the appropriate regional office (see listing below.) Note that DEQ review work will not begin until a complete application packet is received. Incomplete applications may be returned. DEQ recommends the applicant keep a full copy of all application materials to guard against possible loss in transit.

Step 3

DEQ will contact the applicant, acknowledging receipt of the application, and will identify the staff person assigned to carryout the review. This staff person will contact the applicant if any additional information is needed.

Region	Counties Served	Address & Phone
Eastern Region	Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, and Wheeler	Eastern Region Department of Environmental Quality 400 E Scenic Drive, Ste 2.307 The Dalles, OR 97058 (541) 298-7255 ext. 221
Northwest Region	Clatsop, Clackamas, Columbia, Multnomah, Tillamook, and Washington	Northwest Region DEQ Solid Waste Programs 2020 SW Fourth Ave. Ste 400 Portland, OR 97201 (503) 229-5353
Western Region	Benton, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Polk, and Yamhill	Western Region DEQ Solid Waste Programs 165 E 7 th Ave., Ste 100 Eugene, OR 97401 (541) 687-7465

REQUIRED ATTACHMENTS

Tier 1

A description of the material, manner of generation, and estimated quantity to be used each year.

The material will consist of soil excavated during the NE Hood Avenue extension project in Gresham, Oregon. See the project description in the attached "Soil Characterization Results" report. This is a one-time generation of up to 2,000 cubic yards of soil (estimated in-place volume is 1,600 cubic yards).

The project is located on both land owned by the City of Gresham (current NE Hood Avenue right-of-way) and on land owned by the Port of Portland (Gresham Vista Business Park). Soil will be generated from property owned by each party. Under the solid waste rules, it is uncertain to what extent a Beneficial Use Determination (BUD) is needed for the soil to be generated, but to be conservative, the Port has elected to request a BUD for all of the soil to be generated from excavation and placed at the Business Park as described herein, during this project.

A description of the proposed use.

The material will be used as structural or non-structural fill within the adjacent Gresham Vista Business Park property boundaries currently owned by the Port of Portland. The non-structural fill uses will potentially include, but not be limited to, landscape features, open spaces, and other areas requiring fill during the further development of the Gresham Vista Business Park. Any fill application will be of the type generally seen in business park landscaping and construction projects.

A comparison of the chemical and physical characteristics of the material proposed for use with the material it will replace.

This material is typical of construction fill used in the proposed manner.

A demonstration of compliance with the performance criteria in OAR 340-093-0280 based on knowledge of the process that generated the material, properties of the finished product, or testing.

(1) The applicant has characterized the solid waste and use sufficiently to demonstrate compliance with this rule.

The soil has been characterized. See the attached "Soil Characterization Results" report.

(2) The use is productive, including:

(a) There is an identified or reasonably likely use for the material that is not speculative.

Soil is commonly used to adjust site grade, surcharge building locations during site development, and enhance landscape and open space areas. There is a need for fill for these purposes at the Gresham Vista Business Park.

(b) The use is a valuable part of a manufacturing process, an effective substitute for a valuable raw material or commercial product, or otherwise authorized by the Department and does not constitute disposal.

Soil is commonly used to adjust site grade, surcharge building locations during site development, and enhance landscape and open space areas. There is a need for fill for these purposes at the Gresham Vista Business Park.

(c) The use is in accordance with applicable engineering standards, commercial standards, and agricultural or horticultural practices.

Soil is commonly used to adjust site grade, surcharge building locations during site development, and enhance landscape and open space areas. There is a need for fill for these purposes at the Gresham Vista Business Park.

(3) The use will not create an adverse impact to public health, safety, welfare, or the environment, including:

(a) The material is not a hazardous waste under ORS 466.005.

The material is not a listed or characteristic hazardous waste. There is no specific knowledge of the source of the impacts to soil, so there are no listed hazardous wastes present. The soil contains only trace levels of organic chemicals so is not ignitable, corrosive, or reactive. Metals were analyzed in the soil and were detected at background levels, so the soil will not fail toxicity criteria for metals. The only organic chemicals detected were the pesticides DDT, DDE, and dieldrin. These chemicals are not on the list of toxic characteristic chemicals, so the soil will not fail toxicity criteria for organic chemicals.

(b) Until the time a material is used according to a beneficial use determination, the material must be managed, including any storage, transportation, or processing, to prevent releases to the environment or nuisance conditions.

The soil will be hauled directly from the excavation site to the approximate area of use on the adjacent Gresham Vista Business Park site. Standard dust control (e.g., water spray) and sedimentation control devices (e.g., silt fence, rock construction entrance, catch basin filters) will be used to prevent off-site transport of soil.

(c) Hazardous substances in the material meet one of the criteria in this subsection:

(A) Do not significantly exceed the concentration in a comparable raw material or commercial product,

Not applicable.

(B) Do not exceed naturally occurring background concentrations; or

Detected metals concentrations are less than DEQ default background concentrations.

(C) Will not exceed acceptable risk levels, including evaluation of persistence and potential bioaccumulation, when the material is managed according to a beneficial use determination.

The soil meets the acceptable risk levels for the fill area. See the attached "Soil Characterization Results" report.

(d) The use will not result in the increase of a hazardous substance in a sensitive environment.

The fill area is an industrial business park. The soil will not be placed in a sensitive environment.

(e) The use will not create objectionable odors, dust, unsightliness, fire, or other nuisance conditions.

The fill area is an industrial business park. This area is under development and will require fill regardless of the source. Standard practices for dust control (e.g., water spray) and sedimentation control devices (e.g., silt fence, rock construction entrance, catch basin filters) will be used to prevent dust or nuisance conditions. The soil does not have an odor and is not at risk for combustion.

(f) The use must comply with applicable federal, state, and local regulations.

The soil will be used as fill in accordance with development permits from the appropriate regulating authorities.

Any other information that DEQ may require to evaluate the proposal.

Not applicable.

Tier 2

The information required for a Tier 1 application.

See above.

Sampling and analysis that provides chemical, physical, and biological characterization of the material and that identifies potential contaminants in the material or the end product, as applicable.

See the attached "Soil Characterization Results" report.

A risk screening comparing the concentration of hazardous substances in the material to existing, DEQ approved, risk-based screening level values, and demonstrating compliance with acceptable risk levels.

See the attached "Soil Characterization Results" report. Detected concentrations of chemicals meet the risk based screening levels for the proposed fill area.

Location or type of land use where the material will be applied, consistent with the risk scenarios used to evaluate risk.

The soil will be used as fill as part of the site development of the Gresham Vista Business Park. There is no residential use allowed. The risk screening was based on an occupational exposure scenario.

Contact information of property owner(s) if this is a site-specific land application proposal, including name, address, phone number, e-mail, site address and site coordinates (latitude and longitude); and

Same as applicant info.

A description of how the material will be managed to minimize potential adverse impacts to public health, safety, welfare, or the environment.

Standard practices for dust control (e.g., water spray) and sedimentation control devices (e.g., silt fence, rock construction entrance, catch basin filters) will be used to prevent impacts.

