



# Oregon

Kate Brown, Governor

## Department of Environmental Quality

Northwest Region

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July 28, 2016

Dean Larson  
Custom Excavating  
2060 SE Airport Lane  
Warrenton, OR 97146

**RE: Beneficial Use Determination at SWDP No. 496  
Screened Street Sweeping Fines**

Dear Mr. Larson:

The Department of Environmental Quality (DEQ) has reviewed Custom Excavating's July 15, 2015, application for a case-specific solid waste Beneficial Use Determination (BUD). DEQ has determined one of the three materials proposed to be added to the aggregate base material would constitute a beneficial use after Trails End completes additional sampling to verify that hazardous constituents are low and received DEQ approval on a revised Operations Plan. If additional sampling demonstrates that contaminants are low, then DEQ approves the following proposed uses for screened street sweepings and agrees that the proposed use meets the requirements for a case-specific BUD described in Oregon Administrative Rule (OAR) 340-093-0260 through 340-093-0290. This BUD approval is limited to the materials, approved uses, and conditions specified in Table 1. The conditions of the BUD are intended to prevent adverse impacts to human health and the environment.

**Table 1: Conditions of BUD for SWDP 496**

Solid Waste	Beneficial Use	Conditions on Use
Screened street sweeping fines provided by the City of Astoria.	Maximum 5% by volume of aggregate base produced onsite. Aggregate base can be used for road base material or trench backfill where high groundwater is anticipated to be beneath the trench.	<ol style="list-style-type: none"><li>1. Street sweeping fines must pass a one-inch screen to remove litter. Litter must be sent to a DEQ-approved landfill.</li><li>2. The aggregate base that includes street sweepings must not be used in residential areas (including mixed use commercial/residential or agricultural/residential) or on, or adjacent to, properties including schools, daycares, or any other property consistently encountered by children or other sensitive populations.</li><li>3. Material use must be consistent with applicable engineering and commercial standards.</li><li>4. Prior to adding street sweeping wastes to its aggregate base, TER must provide to DEQ for review and approval more detailed analytical information that includes sampling of the street sweeping material. TER must submit a Sampling Plan for DEQ approval that details sample collection, frequency, analytical testing, applicable screening levels, and reporting. This plan should include more representative samples of street sweeping material and sieve analysis of the material. This sampling plan must be approved by DEQ and TER must conduct the sampling and provide the results to DEQ for DEQ's approval before TER can use street sweeping fines in the aggregate base.</li><li>5. TER must update the Operations Plan to provide information on how management, storage, transportation, and processing of the</li></ol>

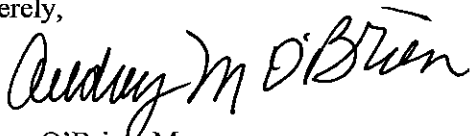
		<p>material will be conducted to prevent releases to the environment or nuisance conditions. The revised Operations Plan should also include demonstration that the proposed beneficial use will not create objectionable odors, dust, unsightliness, fire, or other nuisance conditions. The revised Operations Plan must be approved by DEQ before TER can use street sweeping fines in the aggregate base.</p> <ol style="list-style-type: none"> <li>6. Concentrations of hazardous substances in the material must be below human health occupational risk-based screening levels identified in the most current version of the DEQ Environmental Cleanup and Tanks Program Risk-Based Concentrations for Individual Chemicals (or the Environmental Protection Agency Regional Screening Level Summary Table, if the contaminant of concern is not addressed in the prior DEQ reference).</li> <li>7. Material must not be stored or used near water or wetland areas in such a way that would allow discharge to groundwater or surface water.</li> <li>8. Material must be stored and managed to prevent nuisance conditions or releases to the environment such as dust, runoff, objectionable odors and unsightliness.</li> <li>9. Material use must comply with all applicable federal, state, and local regulations.</li> <li>10. Records of all uses identifying the user, quantity, location and purpose of use must be kept for a period of five years and submitted to DEQ for review annually by January 31 (for the preceding year).</li> <li>11. All conditions of use must be provided in writing to end users of the material.</li> </ol>
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Based on the information provided, DEQ is not approving Custom Excavating’s proposed beneficial uses of gypsum and asphalt shingles from residential demolition projects. DEQ’s review determined that only the street sweepings, with additional conditions on use, demonstrated the case-specific beneficial use performance criteria outlined in OAR 340-093-0290. Details of DEQ’s review are provided in the attached case-specific evaluation report.

Per OAR 340-093-0290(9), DEQ may modify or revoke this case-specific BUD at any time based on new information showing the potential to cause adverse impact to public health, safety, welfare, or the environment.

If you have any questions or concerns regarding this BUD please contact Heather Kuoppamaki by phone at (503) 229-5478, or email at [kuoppamaki.heather@deq.state.or.us](mailto:kuoppamaki.heather@deq.state.or.us). DEQ appreciates your cooperation in protecting Oregon’s environment.

Sincerely,



Audrey O’Brien, Manager  
 DEQ Northwest Region Environmental Partnerships

Enclosure: Beneficial Use of Solid Waste Determination Evaluation Form

Cc: Heather Kuoppamaki, P.E., DEQ Environmental Engineer, [kuoppamaki.heather@deq.state.or.us](mailto:kuoppamaki.heather@deq.state.or.us)