



State of Oregon  
Department of  
Environmental  
Quality

## Beneficial Use of Solid Waste Determination Evaluation Form

Applicant:	
BUD#:	
Solid Waste:	
Summary of Proposed Beneficial Use:	
_____ _____ _____ _____ _____	Reviewer:
	Date:
Tier: <input type="checkbox"/> One <input type="checkbox"/> Two <input type="checkbox"/> Three	

### Beneficial Use of Solid Waste

Beneficial use of solid waste is a sustainability practice that may involve using an industrial waste in a manufacturing process to make another product or using a waste as a substitute for construction materials.

The environmental benefits of substituting industrial waste materials for virgin materials includes conserving energy, reducing the need to extract natural resources and reducing demand for disposal facilities.

Oregon Administrative Rules (OAR) 340-093-0280 - 0290 establish standing beneficial uses and a process for DEQ review of case-specific beneficial use proposals. Under these rules, DEQ may issue a beneficial use determination as an alternative to a disposal permit for proposals that meet the rule criteria. If approved, Once a beneficial use determination is issued, DEQ no longer regulates the waste as a solid waste as long as the waste is used in accordance with the approved beneficial use determination.

### Beneficial Use Determination Evaluation Summary

- Yes, the Beneficial Use of this solid waste meets all the case-specific performance criteria listed below and is approved.
- No, the Beneficial Use of this solid waste does not meet all the case-specific performance criteria listed below and is not approved.

Notes: DEQ staff – Based on the information provided below, write an overall summary of the evaluation. Identify if the applicant met the 3 performance criteria (OAR 340-093-0280, Case-Specific Beneficial Use Performance Criteria), or identify any deficiencies in the application and any DEQ recommendations for further action for the beneficial use application.

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### Case-Specific Beneficial Use Performance Criteria:

DEQ may approve an application for a case-specific beneficial use of solid waste only if all the following performance criteria are addressed: 1) Characterization of the Solid Waste; 2) Productive Beneficial Use of the Solid Waste; and, 3) The affect of the Proposed Beneficial Use on Public Health, Safety, Welfare and/or the Environment.

#### 1) Characterization of the Solid Waste

Did the applicant characterize the solid waste and proposed beneficial use sufficiently to demonstrate compliance with the rules for case-specific beneficial use determinations (OAR 340-093-0280) by submitting required information for the appropriate tier? (See tier sections below for detailed characterization information.)

Yes  No

Notes: *DEQ staff – Based on the information provided below, write an overall summary of: 1) how the applicant met this criterion; and/or, 2) identify any deficiencies.*

Was the following information submitted for DEQ review and how adequate was it?

*DEQ staff identify if tier designation is applicable. Complete "Notes" section under each applicable tier designation summarizing how criteria are met or identifying information/demonstration deficiencies.*

Tier 1  Applicable  Not applicable

- Did the applicant provide an adequate description of the material proposed for beneficial use, the manner of generation and the estimated quantity to be used beneficially each year?  
 Yes  No

Notes: *DEQ staff – write summary of how applicant met this criterion or identify deficiencies.*

- Did the applicant provide an adequate description of the proposed beneficial use and justify how the proposed use is beneficial?  
 Yes  No

Notes: *DEQ staff – write summary of how applicant met this criterion or identify deficiencies.*

- Did the applicant provide a sufficient comparison of the chemical and physical characteristics of the material proposed for beneficial use with the material it will replace?  
 Yes  No

Notes: *DEQ staff – write summary of how applicant met this criterion or identify deficiencies.*

- Did the applicant successfully demonstrate compliance of the proposed beneficial use 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?  
 Yes  No

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Notes: DEQ staff – write summary of how applicant met these criteria or identify deficiencies.

- If required, did the applicant provide any other DEQ required information to evaluate the proposal?  Yes  No

Notes: DEQ staff – write summary of how applicant met this criterion or identify deficiencies.

Tier 2  Applicable  Not applicable

- Did the applicant submit all the information required for a Tier 1 application?  Yes  No

Notes: DEQ staff – write summary of how applicant met this criterion or identify deficiencies.

- Did the applicant submit adequate sampling and analysis to make a determination of suitability for beneficial use? (Note: The analysis must provide chemical, physical, and biological characterization of the material proposed for beneficial use and identify potential contaminants in the material or the end product, as applicable.)  Yes  No

Notes: DEQ staff – write summary of how applicant met this criterion or identify deficiencies.

- When applicable, did the applicant provide a risk screening comparing the concentration of hazardous substances in the material to existing, DEQ approved, risk-based screening level values, and demonstrate compliance with acceptable risk levels?  Yes  No

Notes: DEQ staff – write summary of how applicant met this criterion or identify deficiencies.

- When applicable, did the applicant supply the location or type of land use where the material will be applied, consistent with the risk scenarios used to evaluate risk?  Yes  No

Notes: DEQ staff – write summary of how applicant met this criterion or identify deficiencies.

- When applicable, did the applicant supply 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)?  Yes  No

Notes: DEQ staff – write summary of how applicant met this criterion or identify deficiencies.

- Did the applicant supply an adequate description of how the material will be managed to minimize potential adverse impacts to public health, safety, welfare, or the environment?  Yes  No

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Notes: DEQ staff – write summary of how applicant met this criterion or identify deficiencies.

Tier 3     Applicable     Not applicable

- Did the applicant submit all the information required for a Tier 1 & Tier 2 application?  
 Yes     No

Notes: DEQ staff – write summary of how applicant met this criterion or identify deficiencies.

- Did the applicant provide an adequate discussion of the justification for the proposal?  
 Yes     No

Notes: DEQ staff – write summary of how applicant met this criterion or identify deficiencies.

- Is there an estimated length of time that would be required to complete the project, if it is a demonstration?  
 Yes     No

Notes: DEQ staff – write summary of how applicant met this criterion or identify deficiencies.

- If it is a demonstration project, are their methods proposed to ensure safe and proper management of the material?  
 Yes     No

Notes: DEQ staff – write summary of how applicant met this criterion or identify deficiencies.

**2) Productive Beneficial Use of the Solid Waste**

Has the applicant demonstrated that the proposed beneficial use is a productive use of the material by providing information substantiating the criteria listed below?

Yes     No

Notes: DEQ staff – Based on the information provided below, write an overall summary of: 1) how the applicant met these criteria; and/or, 2) identify any deficiencies.

DEQ staff identify if criteria are applicable. Complete “Notes” section under each applicable criterion summarizing how each is met or identifying information/demonstration deficiencies.

- Did the applicant successfully identify or demonstrate a reasonably likely proposed beneficial use for the material that is not speculative?  
 Yes     No

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This criterion consists of three parts.

1. Identified Use:

Has the applicant clearly stated what the waste is going to be used for, that the waste is compatible with that use and the proposed quantity is necessary?

Yes  No

2. Reasonably Likely Use:

Has the applicant identified, with supporting documentation, the timeframe within which this use is likely to occur (e.g., zoning info, master plan for development, letters from local jurisdictions, etc)?

Yes  No

3. Not Speculative:

For Land application - has this material been used at other sites for the same purpose, is the material feasible for use at this site for this purpose, or has the applicant identified a known potential for this use at this site?

Yes  No  N/A

For uses other than land application - has the material been used in a product before, is the material feasible for use in a product, or has the applicant identified a known potential for use in this product?

Yes  No  N/A

Notes: **DEQ staff – write summary of how applicant met this criterion or identify deficiencies.** *This will rely on staff's professional judgment and you are encouraged to consult with other staff. – Examples: 1) In your judgment, is the proposed beneficial use reasonably likely to have end users/markets that will use the material in a timely manner? Some proposals will be for potential uses (uses that do not have a historical track record), so staff may need to make another judgment and decide whether or not to give a beneficial use proponent the "benefit of the doubt" in order to allow a use to have a chance to succeed. 2) If this beneficial use is for a land application or dredged sediment fill use on a specific piece of property, is it reasonably likely the land application or fill will be followed by an agricultural use or site development? Staff may recommend that the beneficial use determination conditions include that the use meet time-frames identified in the application or established by DEQ.*

- Is the use 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?  Yes  No

Notes: **DEQ staff – write summary of how applicant met this criterion or identify deficiencies.**

- Is the use in accordance with applicable engineering standards, commercial standards, and agricultural or horticultural practices?  Yes  No

Notes: **DEQ staff – write summary of how applicant met this criterion or identify deficiencies.**

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**3) Effect of Proposed Beneficial Use on Public Health, Safety, Welfare and/or the Environment**

Has the applicant demonstrated the proposed beneficial use will **not** create an adverse impact to public health, safety, welfare, or the environment, by providing information substantiating compliance with the criteria listed in the bullet list below?

Yes  No

Notes: DEQ staff – Based on the information provided below, write an overall summary of: 1) how the applicant met these criteria; and/or, 2) identify any deficiencies.

DEQ staff identify if each criterion is applicable. Complete “Notes” section under each applicable criterion summarizing how each is met or identifying information/demonstration deficiencies.

- Has the applicant demonstrated that the material is not a hazardous waste under ORS 466.00?  
 Yes  No

Notes: DEQ staff – write summary of how applicant met this criterion or identify deficiencies.

- Has the applicant demonstrated that until the time this material is used according to a beneficial use determination, the material will be managed, including any storage, transportation, or processing, to prevent releases to the environment or nuisance conditions?  
 Yes  No

Notes: DEQ staff – write summary of how applicant met this criterion or identify deficiencies.

- Has the applicant demonstrated that hazardous substances in the material, if any, meet one of the criteria in the bulleted list below?  
 Yes  No
  - Hazardous substances do not significantly exceed the concentration in a comparable raw material or commercial product;
  - Hazardous substances do not exceed naturally occurring background concentrations; or
  - Hazardous substances will not exceed acceptable risk levels, including persistence and potential bioaccumulation, when the material is managed according to a beneficial use determination.

Notes: DEQ staff – write summary of how applicant met these criteria or identify deficiencies.

- Has the applicant demonstrated that the proposed beneficial use will not result in the increase of a hazardous substance in a sensitive environment, such as a park, wildlife refuge or wetland ?  
 Yes  No

Notes: DEQ staff – write summary of how applicant met this criterion or identify deficiencies.

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- Has the applicant demonstrated that the proposed beneficial use will not create objectionable odors, dust, unsightliness, fire, or other nuisance conditions?  
 Yes  No

Notes: DEQ staff – write summary of how applicant met this criterion or identify deficiencies.

- Has the applicant indicated that the proposed beneficial use will comply with any other applicable federal, state, and local regulations?  
 Yes  No

Notes: DEQ staff – write summary of how applicant met this criterion or identify deficiencies.

4) Public Involvement Evaluation (Note: this is not a Beneficial Use evaluation criterion)  
 Determine a public involvement recommendation using the current, **Guidance to DEQ Solid Waste Program Staff and Managers on Public Notice & Participation.**

- Is public notice and participation being recommended for this application?  
 Yes  No

Notes: DEQ staff – write summary of your recommendation regarding public involvement based on tier type, assessment of level of public interest, and identify approach based on low, moderate or high level of public interest.