



State of Oregon  
Department of  
Environmental  
Quality

# Application for a Solid Waste Beneficial Use Determination

**DEQ USE ONLY – BUSINESS OFFICE**

Date Received: \_\_\_\_\_

Amount Received: \_\_\_\_\_

Check No.: \_\_\_\_\_

Deposit No.: \_\_\_\_\_

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

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

_____		_____	
Legal name of applicant		Business name of applicant if different	
_____		_____	_____
Mailing address		City	State
_____		_____	Zip
_____	_____	_____	_____
Phone	Mobile	E-mail	Fax

_____			
Generator of solid waste (may be same as applicant)			
_____			
Mailing address		City	State
_____		_____	Zip
_____	_____	_____	_____
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.

\_\_\_\_\_  
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 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 750 Front St. NE Suite 120 Salem, OR 97301 (503) 378-5047