


## Beneficial Use of Solid Waste Determination Evaluation Form

 State of Oregon <b>Department of                  Environmental                  Quality</b>	<b>Applicant:</b> CRP/FPC Riverscape LLC	
	<b>BUD#:</b> BUD-20130911	
	<b>Solid Waste:</b> Soil from the Riverscape site (old Terminal 1 South Port of Portland site)	
	<b>Summary of Proposed Beneficial Use:</b>	
	CRP/FPC Riverscape LLC is applying for a Solid Waste Beneficial Use Determination (BUD) for approximately 59,600 cubic yards of soil, which will be removed from the Riverscape site in northwest Portland. CRP/FPC Riverscape LLC is requesting to transfer the soil to the Port of Portland (Port) Troutdale Reynolds Industrial Park (TRIP) for beneficial use as industrial site development construction fill and/or surcharge material.	
<b>Reviewer:</b>	Bill Mason, DEQ-Eugene	<b>Date:</b> October 3, 2013 and updated October 21, 2013 to reflect email from Lee Novak asking that the applicant be changed from Fore Property Company to CRP/FPC Riverscape LLC
<b>Tier:</b>	<input type="checkbox"/> One <input checked="" 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 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.

*Identify if the applicant met the three 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.*

**Notes:**

**DEQ staff have evaluated the application and sampling results tables 1-5 and agrees that soil from the Riverscape property can be transferred and used as fill for industrial lot development at the Troutdale Reynolds Industrial Park (TRIP). The soil to be placed at TRIP meets acceptable occupational exposure risk criteria and will not further impact surface or groundwater. The soil also meets the requirements of the TRIP site contaminated media management plan.**

**The Beneficial Use of the fill material meets all the case-specific performance criteria listed in the checklist below.**

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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 effect 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

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

**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

**CRP/FPC Riverscape LLC proposes to transfer approximately 59,600 cubic yards of soil from the Riverscape site in Northwest Portland to the Port’s TRIP site for use as fill and/or surcharge material. The source of soil is the Riverscape property, approximately 1.9 acres of vacant land bordered by NW Riverscape Ave, NW 16<sup>th</sup> Ave, NW 18th Ave, NW Front Ave, and bisected by NW 17th Avenue. Riverscape was formerly part of the Port’s Terminal 1 South (T1S) property, which was created by adding dredged material as fill to the shoreline of the Willamette River in the early 1900’s. Residual soil contamination was discovered at T1S and suspected to be from surface spills and a former dry well. In 2002-2003 all structures were removed and areas of known soil contamination were removed to meet standards set by Oregon DEQ and specified in DEQs Record of Decision (ROD). All excavated soil was transported to a Subtitle D solid waste disposal facility. Soil was then imported from a Port Rivergate borrow site and used as fill to depths within 3 to 5 feet of existing ground surface and also used as fill to slope perimeters to existing grade. The Rivergate borrow site was described as a clean fill stockpile of Columbia River sand. The soil is primarily silty sand with gravel in the upper 1 to 3 feet and sand with trace silt and gravel from 3 to 15 feet below ground surface.**

**CRP/FPC Riverscape LLC plans to construct four apartment buildings at Riverscape, including underground parking structures for each. To accommodate construction, soil will be excavated to depths ranging from 12 to 15 feet across the entire property. Excavation will generate approximately 58,550 cubic yards of soil, including about 9,100 cubic yards from the fill placed during the 2002-2003 remedial actions. Additional soil from shoring and placing piles will generate an additional 1,050 cubic yards of soil. CRP/FPC Riverscape LLC anticipates generating approximately 59,600 cubic yards of soil to transfer to the TRIP site.**

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

**The soil will be used as construction fill material to prepare industrial plots at TRIP for industrial development. The 59,600 cubic yards proposed to be moved to TRIP is less than the total amount needed to improve the site.**

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The TRIP site is approximately 693 acres located within the city of Troutdale. The site contained an aluminum smelter that was demolished in 2006. Due to soil and groundwater contamination from plant operations, the Environmental Protection Agency (EPA) placed the site on the Superfund National Priorities List (NPL) in December 1994. Contaminants associated with most areas of the site included fluoride, cyanide, and polycyclic aromatic hydrocarbons (PAHs). Additional contaminants, including heavy metals (arsenic, beryllium, lead and mercury) volatile organic compounds (VOCs), polychlorinated biphenyls (PCBs), semivolatile organic compounds, and asbestos were present in areas where aluminum manufacturing related activities resulted in localized releases into the ground. Between 1995 and 2006, the facility's soils were cleaned up to acceptable risk-based standards for industrial use under the oversight of the EPA and Oregon DEQ.

The Port is pursuing industrial redevelopment of the TRIP site. Any redevelopment needs to meet the requirements of the following:

- EPA's Record of Decision (ROD), dated September 29, 2006
- the United States/Reynolds Metals Company Consent Decree, dated September 10, 2008, and its attached Scope of Work and a State of Oregon/Reynolds Consent Judgment, dated October 10, 2008;
- the recorded DEQ Easement and Equitable Servitude dated December 19, 2007; and
- the Contaminated Media Management Plan (CH2M Hill and Alcoa, 2007) approved by DEQ and EPA.

Soils brought on site may contain contaminants that are at or below human health risk-based concentrations for occupational workers or below background concentrations for metals. Soils may also be brought to TRIP if DEQ approves the soils through a beneficial use determination.

Riverscape soils will be stockpiled at TRIP and used for Phase II development improvements, such as building infrastructure and bringing the lots up to grade to prepare the land for development. In addition, this fill may be used by developers for surcharging their site by using excavated soil from Riverscape as well as soil from other sites to improve the soil that is compressible and found in low lying areas. Soils brought to TRIP may be used at industrial plots or may be used to fill wetlands after appropriate authorizations and permits are obtained from the Army Corps of Engineers and Oregon Division of State Lands.

DEQ's solid waste and cleanup staff have reviewed the proposal and agree that the Riverscape soils can be transferred to the TRIP site and will meet the requirements of the ROD, consent judgments and EES and Contaminated Media Management Plan.

- 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

**Chemical characteristics:**

The Riverscape soil is similar to soil at the TRIP site. Cleanup activities at Riverscape were designed to meet construction and excavation worker risk-based screening levels. Soil used at TRIP from offsite sources must not exceed DEQ's occupational human health risk criteria for direct contact (i.e. soil ingestion, dermal contact, or inhalation) or must be below regional background metal concentrations when the regional background level is higher than the occupational screening level or when no occupational screening level is provided.

Golder Associates, the consultant for CRP/FPC Riverscape LLC evaluated soil sample results at Riverscape from 2000. At the request of DEQ's Cleanup program, Golder Associates conducted additional sampling of soil at Riverscape for additional chemicals and at varying depths to ensure that the soil to be transferred to TRIP met the conditions of the TRIP contaminated media management plan and ROD.

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The historical (2000) and recent (2013) sampling results show that several metals were detected within the Riverscape soil samples. One 2013 sample contained arsenic detected at 12 mg/kg, which is above the regional background level of 8.8 mg/kg. The rest were below the regional background value and the average for all arsenic samples is 3.13 mg/kg. DEQ agrees that overall, the arsenic values meet occupational screening criteria. Likewise, antimony was detected above the regional background level of 0.56 mg/kg in two of four 2000 samples with values of 0.86 mg/kg and 0.7 mg/kg. The 0.86 mg/kg value was found at a depth below the anticipated depth of excavation. In addition, the method detection limit was higher than background for two of the samples collected in 2000. None of the samples collected in 2013 showed antimony above background level. There is no occupational screening level established for antimony. Selenium was analyzed in 25 samples and although never above the regional background screening level, the method detection limit was higher than background for two samples collected in 2000. Samples collected in 2013 showed selenium levels at method detection levels or lower and method detection levels were at or below background concentrations. No other metals were found above regional background or occupational screening values.

Data was collected for diesel and oil hydrocarbons as well as gasoline hydrocarbons. Gasoline hydrocarbons were not detected. Diesel and oil range hydrocarbons were detected at levels below occupational screening values.

Data was also collected for polynuclear aromatic hydrocarbons in 38 samples. Two of these samples showed exceedances of the occupational screening value of 0.27 mg/kg for benzo(a)pyrene. One result was 0.311 mg/kg from sampling in 2000. The other, 0.29 mg/kg from a sample taken in 2013 is barely over the occupational screening value. Some of the PAH samples collected in 2000 had method detection levels higher than the screening value. From DEQ's review of the data, DEQ agrees that overall, PAH concentrations will meet occupational screening values and the contaminated media management plan for TRIP.

No other exceedances occurred. Method detection limits were typically below the occupational screening levels (or regional background level). Exceptions occurred only in select samples for antimony, selenium and certain PAHs in samples collected in 2000.

DEQ has reviewed the data provided and agrees with Golder's analysis that based on these data, the soil appears to meet the TRIP facility requirements set forth by DEQ and the Port for offsite sources of fill. Soil will be field screened during excavation and if any unexpected concerns are identified, soil will be sampled and managed in accordance with the Soil Management Plan for the Riverscape Property and the requirements of the TRIP site. Should CRP/FPC Riverscape LLC encounter soils which do not meet the chemical requirements for TRIP, these soils will not be taken to TRIP.

**Physical characteristics:**

Based on physical characteristics, the Riverscape soil is similar to soil at the TRIP site which has been left in place following remedial activities. The soil is primarily silty sand with gravel in the upper 1 to 3 feet and sand with trace silt and gravel from 3 to 15 feet below ground surface. CRP/FPC Riverscape LLC will segregate and manage separately any strippings, organic material or other putrescible material; asphalt or asphalt debris, construction debris, and any concrete over four inches in diameter. CRP/FPC Riverscape LLC will need to consult with DEQ and manage or dispose of these materials appropriately.

- 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

**See notes for Tier 2 below and Sections 2 and 3.**

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

**DEQ's Cleanup program required testing of the soil to determine that the soil brought to the TRIP site meets the conditions of the Record of Decision and DEQ and EPA criteria for use at the TRIP site.**

**Tier 2**       Applicable     Not applicable

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

**See notes for Tier 1 above.**

- 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

**As noted above, samples from 2000 and 2013 were evaluated to determine that the soil to be moved from Riverscape to TRIP meets background concentrations or acceptable occupational screening values for metals and is below acceptable occupational screening values for other chemical contaminants. Sample results showed slight exceedances for arsenic, selenium and benzo(a)pyrene values in a few samples. DEQ considers the overall quality of the soil to meet TRIP site requirements.**

- 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

**The application and tables 1 through 5 provide sampling data. As noted above, the soils from Riverscape generally meet the occupational risk screening values or background metal values and will meet the conditions of the contaminated media management plan for the TRIP site.**

- 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

**The Port of Portland verified with the City of Troutdale that there are no land use restrictions that would prohibit bringing offsite soil that is slightly contaminated to the TRIP site for use as industrial fill.**

- 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

**The Port of Portland owns the TRIP site and will also be identified on the approval letter.**

- 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

**CRP/FPC Riverscape LLC plans to begin excavating soils on October 1<sup>st</sup> and will stockpile soil on site at the Riverscape site until the beneficial use has been approved. The construction zone will be fenced to**

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prevent public access. CRP/FPC Riverscape LLC and its contractors will use dust control measures including misting with water as necessary to prevent soil from moving offsite. Riverscape obtained its stormwater construction permit on August 5, 2013 (Stormwater file #123118). Stockpiles will be placed on plastic, covered and bermed to avoid movement of soil offsite. Excavation and stockpiling at Riverscape will be done in accordance with the Riverscape Soil Management Plan that Golder Associates prepared in July 2013. Once the beneficial use is approved, then soil will be transported in covered trucks to the TRIP site. Transport and placement of soil at TRIP will be done in accordance with the TRIP Contaminated Media Management Plan. At the TRIP site, the soil will be placed in Stockpile E by Graham Road as identified in Figure 4 of the beneficial use application. The Port will manage the soil in accordance with the Stormwater General Permit 1200-CA. Stockpiles will be managed to contain soil and avoid wind or stormwater erosion. When necessary to prevent soil from becoming airborne, the Port will employ best management practices such as covering stockpiles with tarps or misting soil with water.

CRP/FPC Riverscape LLC intends to move the total 59,600 cubic yards of soil to TRIP by the end of 2013.

Tier 3:  Applicable  Not applicable

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

- Did the applicant successfully identify or demonstrate a reasonably likely proposed beneficial use for the material that is not speculative?  Yes  No
- **TRIP has a need for industrial fill material and soil needs to be removed from the Riverscape site for proposed development. The Port needs more soil than available on site. The soil will be transferred from Riverscape to TRIP and used as construction fill material to prepare industrial plots at TRIP for industrial development.**

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

**Based on physical characteristics, the Riverscape soil is similar to soil at the TRIP site. The soil is primarily silty sand with gravel in the upper 1 to 3 feet and sand with trace silt and gravel from 3 to 15 feet below ground surface. The soil will be used as construction fill material to prepare industrial plots at TRIP for industrial development. The 59,600 cubic yards proposed to be moved from Riverscape to TRIP is less than the total amount needed to improve the TRIP site.**

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

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**CRP/FPC Riverscape LLC intends to begin excavation at the Riverscape site on October 1, 2013 and intends to complete movement of the soil from Riverscape to the TRIP site by the end of 2013.**

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

**Construction fill and surcharge is generally soil. The Riverscape soils are described as generally silty sand with gravel in the upper one to three feet and sand with trace silt and gravel from three to 15 feet below ground surface. These soils meet the EPA and DEQ cleanup requirements at the TRIP site that construction fill soils contain contaminants below occupational human health risk criteria or background concentrations for metals.**

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

- 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

**The soil from Riverscape will be used as construction fill and surcharge at the TRIP site and is an effective substitute for clean fill at the TRIP site. The Riverscape soils meet the EPA and DEQ cleanup requirements at the TRIP site that construction fill soils must contain contaminants below occupational human health risk criteria or background concentrations for metals.**

- Is the use in accordance with applicable engineering standards, commercial standards, and agricultural or horticultural practices?

Yes  No

**The soil will be used to bring lots to grade for future development. Soil is frequently transported for use as fill and surcharge.**

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

**There is historical sampling data for the soils to be moved from the Riverscape site to TRIP. In addition, DEQ and the Port of Portland asked Golder Associates to collect additional sampling of the soil. DEQ and the Port reviewed the sampling plan. CRP/FPC Riverscape LLC will manage the soils at Riverscape during excavation to prevent public access and soil will be transported in covered trucks. Stockpiling will be managed at both the Riverscape site and at the TRIP site to prevent runoff or dust and avoid erosion. The soil will also meet the conditions of the ROD, EES and contaminated media management plan at the TRIP site.**

- Has the applicant demonstrated that the material is not a hazardous waste under ORS 466.00?

Yes  No

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Data from sampling conducted during remedial activities at the Riverscape site during 2002-2003 as well as sampling in 2013 were analyzed. Samples were analyzed for gasoline and oil constituents. Samples were analyzed for gasoline/diesel, metals, polynuclear aromatic hydrocarbons, volatile organic compounds and polychlorinated biphenyls. The sample results indicate that the material is not hazardous waste.

- 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

CRP/FPC Riverscape LLC plans to begin excavating soils on October 1<sup>st</sup> and will stockpile soil on site at the Riverscape site until the beneficial use has been approved. The construction zone will be fenced to prevent public access. CRP/FPC Riverscape LLC and its contractors will use dust control measures including misting with water as necessary to prevent soil from moving offsite. Riverscape obtained its stormwater construction permit on August 5, 2013 (Stormwater file #123118). Stockpiles will be placed on plastic, covered and bermed to avoid movement of soil offsite. Excavation and stockpiling at Riverscape will be done in accordance with the Riverscape Soil Management Plan that Golder Associates prepared in July 2013. Once the beneficial use is approved, then soil will be transported in covered trucks to the TRIP site. Transport and placement of soil at TRIP will be done in accordance with the TRIP Contaminated Media Management Plan. At the TRIP site, the soil will be placed in Stockpile E by Graham Road as identified in Figure 4 of the beneficial use application. The Port will manage the soil in accordance with the Stormwater General Permit 1200-CA. Stockpiles will be managed to contain soil and avoid wind or stormwater erosion. When necessary to prevent soil from becoming airborne, the Port will employ best management practices such as covering stockpiles with tarps or misting soil with water.

- 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.

**The soil meets the EPA and DEQ criteria of not exceeding occupational risk based screening levels or background values for metals. The soil will be managed according to the contaminated media management plan for the TRIP site.**

- 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

**The soil will be transferred to a site proposed for industrial development. The proposed site is not a sensitive environment. The soil may be used in part to fill a low value wetland that currently contains contaminants. EPA and DEQ clean up staff have agreed that the wetlands may be filled after the Port obtains permits from the Army Corps of Engineers and Oregon Division of State Lands.**

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

**The soil does not contain organic materials that would contribute to odors. The soil will be managed to prevent dust and runoff issues.**



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

**The Port is applying for a joint fill permit from the US Army Corps of Engineers and Oregon Division of State Lands for filling a wetland at the TRIP site. Riverscape and TRIP have stormwater construction permits. DEQ is not aware of other permits needed to move soil from Riverscape to the TRIP site.**

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

**DEQ will provide a two week public notice indicating that DEQ intends to approve this beneficial use request.**