



# Oregon

John A. Kitzhaber, MD, Governor

Department of Environmental Quality

Land Quality Division

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May 9, 2011

Nathanial Ruda  
Port of Portland  
PO Box 3529  
Portland, OR 97218

RE: Beneficial Use Determination BUD20100708 (Reconsidered)  
Use of Post Office Bar Dredge Sediments as Fill Material at West Hayden Island

Dear Mr. Ruda:

The Department of Environmental Quality reconsidered the Beneficial Use Determination issued to the Port of Portland on July 8, 2010. DEQ has not identified new or conflicting information that suggests there was an error in the original determination. This letter is an update to the original Beneficial Use Determination and includes additional conditions related to progress towards development of the sediment placement area. The scope of this determination is limited to DEQ's authority to review and approve applications for the beneficial use of solid waste, and is not intended to comment on or otherwise influence land use decisions by local government.

DEQ reconsidered the beneficial use determination in response to concerns of neighboring residents and a lawsuit by Hayden Island Livability Project, Hayden Island Manufactured Home Community Homeowners Association, Audubon, Pam Ferguson, and Bob Sallinger. In order to respond to questions and comments regarding the determination, DEQ provided additional information both verbally and in writing regarding potential flooding or groundwater impacts, risk screening to address potential adverse impacts to people or wildlife, the basis for DEQ's finding that the proposed use of dredged sediments as fill material is reasonably likely, and other factors. An updated Beneficial Use of Solid Waste Determination Evaluation Form and a Beneficial Use of Solid Waste Response to Public Comments are attached. A complete set of the public comments will be posted on the web at:  
<http://www.deq.state.or.us/lq/sw/disposal/beneficialusepostoffice.htm>.

DEQ has determined that the Port of Portland's beneficial use proposal for the Post Office Bar material meets the requirements for a case-specific beneficial use determination under Oregon Administrative Rules 340-093-0260 through -0290. The Beneficial Use Determination is limited to the materials, approved uses, conditions and reporting specified below. The conditions are intended to prevent adverse impacts to human health and the environment.

## Material

The material consists of approximately 75,000 cubic yards of sediments that the U.S. Army Corps of Engineers will dredge from the Willamette River at Post Office Bar, River Mile 2.2.

The application includes laboratory chemical analytical results of sediments from the area that the Corps of Engineers will dredge. This approval applies to the characterized, dredge prism sediments. Dredged materials from other locations will need to be evaluated through separate beneficial use determinations.

The analytical results shown in Table 1 of the application and representative of the dredge prism are below human health occupational risk-based concentrations, DEQ's ecological screening level values, or metals soil background values. A DEQ screening table is included with the Beneficial Use of Solid Waste Determination Evaluation Form.

#### Approved Uses

DEQ approves placement of the dredged material at the existing West Hayden Island Placement Facility, located at approximately 45° 37' 25" N, 122° 42' 9" W. The use is as fill material to increase site grade prior to future development of the property.

#### Conditions on Use

The U.S. Army Corps of Engineers has obtained a DEQ 401 Water Quality Certification. Dewatering and placement of sediments must be done to prevent discharges to waters in accordance with the certification.

The sediment placement area must progress towards development as indicated in the application. DEQ understands the next phase in the planning process to be the preparation of a Legislative Process (Annexation Report, Plan District, Zoning Report) and a City Council decision regarding the future use of West Hayden Island. If in the planning process, local government (City of Portland, Metro or Multnomah County) decides that marine related commercial or industrial development is not approved or that development is otherwise not going to occur, the Port of Portland must contact DEQ and provide a written update on the status of the property. The Port must then reevaluate the risk screening of the contaminant concentrations in the sediments and take any necessary mitigation measures approved by DEQ to ensure that the material will not cause an adverse impact to people or wildlife based on local government defined land use for the property.

If the material is proposed to be moved from the West Hayden Island Placement Facility to some other location, the Port of Portland must manage the material as solid waste.

#### Reporting

Within two months of the completion of dredged sediment placement, the Port of Portland must provide a report to DEQ. The report must include the volume of material placed at the West Hayden Island facility and any location or characterization information if changed from that in the application.

No less than every two years from the completion of sediment placement, the Port of Portland must submit an update letter report to DEQ that demonstrates progress towards development.

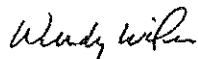
Reports will no longer be required once the area of sediment placement is developed in accordance with this Beneficial Use Determination.

Reports must be submitted to DEQ with a \$250.00 fee payment. Submit reports to:

Audrey O'Brien, Manager  
Northwest Region Environmental Partnerships Section  
Oregon Department of Environmental Quality  
2020 SW Fourth Avenue, Suite 400  
Portland, OR 97201

If you have any questions about this determination, please contact Audrey O'Brien at 503-229-5072 or Tom Roick at 503-229-5502.

Sincerely,



Wendy Wiles  
Administrator  
Land Quality Division

Cc: Tom Roick, Land Quality Division  
Audrey O'Brien, Northwest Region  
Marla Harrison, Port of Portland

Attachments: Beneficial Use of Solid Waste Determination Evaluation Form (including table)  
Beneficial Use of Solid Waste Response to Public Comments