



Oregon

John A. Kitzhaber, Governor

Department of Environmental Quality

Northwest Region
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July 17, 2013

Marla Harrison
Port of Portland
7200 NE Airport Way, P.O. Box 3529
Portland, OR 97218

RE: Beneficial Use Determination Approval
BUD No. 20130318
Port of Portland, Terminal 4 Dredge Sediments
Multnomah County

Dear Ms. Harrison:

The Department of Environmental Quality has reviewed and approves the Port of Portland's March 14, 2013 application for a solid waste beneficial use determination. The approval is for the use of dredged sediments from the Port's Terminal 4 as construction fill material at the Port's existing dredge material placement site on West Hayden Island. The material will be used to raise the site grades for future development.

DEQ has determined that the Port's beneficial use proposal meets the requirements for a Tier 2 case-specific beneficial use determination under Oregon Administrative Rules (OAR) 340-093-0260 through 0290. DEQ's determination is based on a review of whether the Port's proposed beneficial uses of sediment meet the case-specific beneficial use performance criteria outlined in OAR 340-093-0280. Details of our review are provided in the attached *Beneficial Use of Solid Waste Determination Evaluation Form*.

This beneficial use determination is limited to the materials, approved uses, and conditions specified in this letter. The conditions of this beneficial use determination are intended to prevent adverse impacts to public health, safety, welfare or the environment from the use of your dredge sediments.

Material

The material will consist of approximately 3,000 to 5,100 cubic yards of sediments that the Port of Portland will dredge from the Willamette River at the Port of Portland's Terminal T4, middle and west areas of Berth 410. The Port's application includes laboratory chemical analytical results of sediments from the area that the Port will dredge.

DEQ reviewed the analytical results shown in Tables 2 and 3 of the application and compared these results, which are representative of the dredge sediments, to human health occupational risk-based concentrations, DEQ's ecological screening level values, and default metals soil background values. DEQ's review indicates that contaminant concentrations in these Terminal 4 Berth 410 sediments are below levels of concern for upland placement.

Approved Use

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 grades prior to future development of the property.

Conditions on Use

Dewatering and placement of sediments must be done to prevent discharges to surface waters in accordance with an upcoming US Army Corps of Engineers permit yet to be issued and the DEQ 401 Water Quality Certification issued on February 5, 2013.

The sediment placement area must progress towards development as indicated in the application. DEQ understands the next phase in the planning process is a City Council decision that will define 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 re-evaluate 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.

The Port will utilize dredging and GPS software to model the dredge prism and track areas dredged to ensure that only areas represented by 410A/DP, 410B/DP and 410B/NSM will be placed at the West Hayden Island Dredged Material Placement Site. Areas represented by 410A/DP, 410B/DP and 410B/NSM will be dredged and handled separate from the landfill bound material. The Port will conduct daily inspections of the project and work progress.

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. The report must include disposal receipts and amounts taken from Terminal 4, Berth 410 to a DEQ permitted solid waste landfill and verification that the operational and engineering procedures listed above were followed to ensure that only approved sediments were placed at the upland placement facility.

Every two years from the completion of sediment placement, the Port must submit a 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:

Beneficial Use Determination Approval
BUD No. 20130318
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Page 3 of 3

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, please call me at 503-229-5072 or Bill Mason at 541-687-7427.

Sincerely,

A handwritten signature in cursive script that reads "Audrey O'Brien".

Audrey O'Brien, Manager
Northwest Region Environmental Partnerships

encl: Beneficial Use of Solid Waste Determination Evaluation Form

cc: Bill Mason, DEQ (mason.bill@deq.state.or.us)

