



# Oregon

John A. Kitzhaber, Governor

## Department of Environmental Quality

Northwest Region  
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Portland, OR 97201  
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June 28, 2013

Mark Heintz  
Portland Harbor Holdings, LLC  
3855 Atherton Road  
Rocklin, CA 95765

RE: Beneficial Use Determination Approval  
BUD No. BUD-20120511  
Portland Harbor Holdings II, LLC, Alder Creek Restoration Project Soil Fill  
Multnomah County

Dear Mr. Heintz:

The Department of Environmental Quality has reviewed and approves Portland Harbor Holdings II (PHH) May 10, 2012 application for a solid waste beneficial use determination. PHH will be restoring the Alder Creek site to create a network of shallow sub-tidal channels, tidal-marsh and mud flats, and riparian habitat. PHH proposes to use material excavated during channel and tidal mud flat restoration to support the upland restoration component of the restoration project, and to enhance Sauvie Island Drainage Improvement Company levee integrity along the southern tip of Sauvie Island, within the Restoration Project footprint.

DEQ has determined that PHH'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 PHH's proposed beneficial use of soil meets 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 the excavated materials.

### Material

The material consists of approximately 450,000 cubic yards of soil and 1600 cubic yards of sediment originating from within the Restoration Project boundaries. The soil will come from upland locations; the sediment will come from Multnomah Channel and from the Willamette River to create three channel connections within the Restoration Project. These materials will be used within the overall restoration project footprint. The application includes laboratory analytical results for the soils that PHH will excavate.

DEQ reviewed analytical results summarized in the following documents submitted by PHH: the Phase II Environmental Site Assessment, the technical memorandum dated May, 4, 2012 and the Addendum # 1 to the BUD application dated August 2, 2012. DEQ compared these analytical results 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 Alder Creek soils and sediments are below levels of concern considering the proposed use and management of the soil.

#### Approved Uses

DEQ approves placement of the excavated Alder Creek soil and sediment at the proposed upland forest habitat within the Restoration Project property located on Sauvie Island, located at approximately 45° 37' 25" N, 122° 42' 9" W. The use is as fill material to increase site grades and to improve habitat conditions and area drainage prior to forest planting, and within the SIDIC levee footprint.

#### Conditions on Use

Residual organic material must be managed as described in PHH's BUD application to prevent future methane generation, excessive settlement of the soil fill, and potentially undesirable geochemical effects such as increased mobility of metals contained in the soil backfill.

Unit 1 soils must be carefully handled during excavation, hauling and backfilling. Please prepare a project specific HASP to address chemical hazards and appropriate worker PPE and provide a copy to DEQ's solid waste program prior to commencement of construction.

Unit 1 soil must be capped with at least five feet of Unit 2 Soil, Unit 3 soil, or other clean soil to prevent future exposure of ecological receptors to Unit 1 soils.

#### Reporting

During soil excavation and its placement in the upland forest habitat, PHH must provide to DEQ monthly written progress reports detailing project status and describing any unusual or unexpected occurrences.

In July 2011 PPH submitted a Restoration Work Plan to DEQ in support of the application for a prospective Purchaser Agreement (PPA). That plan proposed sampling of sediment and pore water. Please submit the results of the sediment and pore water monitoring as described in the Plan, after it has been completed, to DEQ's solid waste program as well.

Within two months of the completion of the soil placement, PHH must provide a project summary report to DEQ. The report must include the volume and types of soil material placed at the upland forest habitat area and any location or characterization information if changed from that in the application. Thereafter, please submit to DEQ a copy of the site monitoring report prepared as required by the Approving Agencies. The brief report will describe: 1) the result of site inspections conducted by PHH; 2) any maintenance or monitoring activities related to the upland forest habitat; and 3) any notable changes in the condition of this habitat area.

The completion report and annual 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

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If you have any questions about this BUD, please call me at 503-229-5072 or Tim Spencer at 503-229-5826.

Sincerely,

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

Audrey O'Brien, Manager  
Northwest Region Environmental Partnerships

encl: Beneficial Use of Solid Waste Determination Evaluation Form

cc: Tim Spencer DEQ-NWR [spencer.tim@deq.state.or.us](mailto:spencer.tim@deq.state.or.us)

