



# Oregon

Kate Brown, Governor

Department of Environmental Quality

Northwest Region

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February 28, 2019

Andrew Gregg  
Linnton Water Credits, LLC  
337 17<sup>th</sup> Street  
Oakland, CA 94612  
[andyg@restorcap.net](mailto:andyg@restorcap.net)

**RE: Beneficial Use Determination (BUD-20181105), Linnton Water Credits, LLC**

Dear Mr. Gregg:

The Department of Environmental Quality (DEQ) has reviewed the November 5, 2018 application for a solid waste beneficial use determination (BUD) for material generated at the former Linnton Plywood Association (LPA) mill at 10504 Northwest Saint Helens Road in Portland, Oregon. The application requests that Linnton Water Credits LLC (LWC) be able to beneficially use contaminated soil offsite as residential and non-residential construction fill, utility trench fill, and road base course materials.

The material consists of approximately 50,000 cubic yards of lightly contaminated soil that will be generated during completion of the onsite habitat restoration project. The soil is largely historic dredged material. The average concentrations in the soil were below the residential screening levels. Soil intended for off-site reuse will be excavated and directly loaded into trucks and not placed in temporary stockpiles.

However, due to the fact that levels of benzo(a)pyrene – (BaP Equivalents) and to a lesser degree, arsenic, exceed residential RBCs for the direct contact pathway, DEQ has determined that this material is suitable only for non-residential construction fill but is not suitable for residential/urban residential construction fill or sites.

DEQ has determined that the beneficial use proposal (with the exception of the proposed residential fill use is not approved) meets the requirements for a case-specific Beneficial Use Determination (BUD) under Oregon Administrative Rule (OAR) 340-093-0260 through 340-093-0290. This BUD is issued to LWC and is limited to the materials, approved uses, and conditions specified in Table 1. The conditions of the BUD are intended to prevent adverse effects to human health and the environment.

DEQ's determination is based on a review of LWC's application for beneficial use of soil from the LPA Mill Site Restoration Project, demonstrating the case-specific beneficial use performance criteria outlined in OAR 340-093-0290 are met for the approved uses. Details of DEQ's review are provided in the attached case-specific evaluation report.

Per OAR 340-093-0290(9), DEQ may modify or revoke this case-specific BUD at any time based on new information showing the potential to cause adverse impact to public health, safety, welfare, or the environment.

**Table 1**

| <b>Material</b>                                    | <b>Beneficial Use</b>  | <b>Conditions on all Uses</b>  |
|--|--|--|
| Approximately 50,000 cubic yards of excavated soil | Non-residential construction fill, utility trench fill, and road base. | <ol style="list-style-type: none"> <li>1. Material must be managed onsite to prevent windblown dust, runoff and erosion at all times.</li> <li>2. Material must not be stockpiled for more than six months.</li> <li>3. Organic matter must be removed from the material before it is reused.</li> <li>4. Material use must comply with all applicable federal, state, and local regulations.</li> <li>5. The soil approved in this BUD is limited to soils excavated from areas outlined in red on Figure 2 "SITE PLAN WITH BORING LOCATIONS AND SELECTED ANALYTICAL RESULTS", included with the BUD application.</li> <li>6. Within 2 months of completion of the habitat restoration activities, provide DEQ Materials Management Program with a final report of final quantities of contaminated material sent offsite using this BUD including quantity sold, to whom, where the material was sent and for what purpose.</li> <li>7. The material may not be placed where it will be in contact with or adversely impact groundwater or surface water or be placed in utility trenches for potable water supply lines.</li> </ol> |

If you have any questions or concerns please contact Heather Kuoppamaki (DEQ project manager) by phone at (503) 229-5125, or email at [kuoppamaki.heather@deq.state.or.us](mailto:kuoppamaki.heather@deq.state.or.us). DEQ appreciates your cooperation in protecting Oregon's environment.

Sincerely,

Audrey O'Brien, Manager  
Northwest Region Environmental Partnerships

Enclosure: Beneficial Use of Solid Waste Determination Evaluation Report

Cc: Heather Kuoppamaki, DEQ NWR, [kuoppamaki.heather@deq.state.or.us](mailto:kuoppamaki.heather@deq.state.or.us)

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