



Oregon

John A. Kitzhaber, MD, Governor

Department of Environmental Quality

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July 25, 2014

Mr. Lee Novak
CRP/FPC Riverscape LLC
1741 Village Center Circle
Las Vegas, NV 89134
lnovak@ForeProperty.com

Mr. Keith Leavitt
GM Business Development and Properties
Port of Portland
PO Box 3259
Portland, OR 97208

**RE: Amendment to Beneficial Use Determination 20130911 CRP/FPC Riverscape LLC,
Fill Material**

Dear Mr. Novak:

The Department of Environmental Quality (DEQ) has reviewed the technical memorandum (*RE: RIVERSCAPE LOTS 9-12 – UTILITY CORRIDOR SOIL SAMPLING ANALYTICAL RESULTS*), prepared by Kelly Toynton of Golder Associates, dated July 14, 2014. This memorandum was submitted to DEQ on 07/16/14 with a request to amend *Beneficial Use Determination (BUD) 20130911, CRP/FPC Riverscape LLC, Fill Material*, originally issued on 10/21/2013. BUD 20130911 approved the transfer of approximately 59,600 cubic yards of soil from the Riverscape site in Northwest Portland to the Port of Portland Troutdale Reynolds Industrial Park (TRIP) for beneficial use as fill and/or surcharge material for proposed industrial lot development.

The amendment requests to use an additional estimated volume of 1,500 cubic yards of material excavated from multiple narrow utility trenches extending from the soil area approved under the original BUD to allow connections between the newly constructed utilities and the existing utilities. These utility trenches extend underneath NW Riverscape Street and NW 17th Avenue and are approximately 10 to 40 feet long at depths of approximately 5 to 15 feet below ground surface. The trenches are in the City of Portland public right-of-way. The City of Portland requires utility trenches to be backfilled with gravel rather than the original excavated soil. This action will require disposal of the excavated soil. The City considers the soil to be excavated to be the property of the adjacent Riverscape site.

BUD-20130911a, Amendment to Beneficial Use Determination 20130911 CRP/FPC Riverscape LLC, Fill Material

Representative composite samples of the additional trench material were analyzed for: total petroleum hydrocarbons (TPH) including gasoline range organics (method NWTPH-Dx) and diesel and oil range organics (method NWTPH-Gx with silica gel cleanup); polycyclic aromatic hydrocarbons (PAHs, method 8270C); eight total metals including arsenic, barium, cadmium, chromium, lead, selenium, silver and mercury (methods 6010B and 7471A); polychlorinated biphenyls (PCBs, method 8082); and volatile organic compounds (VOCs, method 8260B). All results were below the higher of Portland Basin Background levels (clean fill) or occupational risk-based concentrations for soil ingestion, dermal contact and inhalation.

DEQ has determined the additional material meets the requirements for a case-specific BUD described in Oregon Administrative Rule (OAR) 340-093-0260 through 340-093-0290. This amendment will be referred to as BUD 20130911a. The BUD is revised and issued to both CRP/FPC Riverscape LLC and the Port of Portland and is limited to the materials, approved uses, and conditions specified in Table 1 below, as in the original BUD. The conditions of the BUD are intended to prevent adverse impacts to human health and the environment.

Table 1

| Solid Waste | Beneficial Use | Conditions on Use |
|---|-----------------------------------|---|
| Fore Property Company fill material from the Riverscape site and adjacent public right-of-way underneath NW Riverscape Street and NW 17 th Avenue up to 61,100 cubic yards | Industrial land construction fill | Concentrations of hazardous substances are below the higher of DEQ-approved human health occupational risk-based screening levels or naturally occurring background for metals |
| | | Soil from Riverscape must be managed while stockpiled at Riverscape and while stockpiled at TRIP to prevent windblown dust, runoff and erosion and in accordance with the DEQ stormwater construction permits at both sites. |
| | | The soil from Riverscape may not be placed where it will be in contact with or adversely impact groundwater or surface water. |
| | | If the soil from Riverscape is used to fill wetlands at the TRIP site, the Port must obtain the Army Corps of Engineers and Oregon Division of State Lands permits prior to filling. Filling must meet all conditions of these permits. |
| | | The soil must meet the conditions of the October 2007 Contaminated Media Management Plan for the Troutdale Reynolds Industrial Park. |

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.

BUD-20130911a, Amendment to Beneficial Use Determination 20130911 CRP/FPC Riverscape LLC, Fill Material

If you have any questions or concerns please contact Daniel Hough (DEQ BUD project manager for CRP/FPC Riverscape LLC) by phone at (503) 229-5478, or email at hough.daniel@deq.state.or.us. DEQ appreciates your cooperation in protecting Oregon's environment.

Sincerely,

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

Audrey O'Brien, Manager
DEQ Northwest Region Environmental Partnerships

Cc: Bill Mason, DEQ Groundwater Hydrologist (mason.bill@deq.state.or.us)
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