



Oregon

John A. Kitzhaber, MD, Governor

Department of Environmental Quality

Northwest Region

2020 SW 4th Ave, Suite 400

Portland, OR 97201

(503) 229-5263

FAX (503) 229-6945

TTY 711

October 21, 2013

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

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

RE: Beneficial Use Determination 20130911 CRP/FPC Riverscape LLC, Fill Material
Multnomah County

Dear Mr. Novak and Mr. Leavitt:

DEQ is reissuing this beneficial use approval in response to an email received from Lee Novak of Fore Property Company on October 18, 2013. The beneficial use determination is being issued to CRP/FPC Riverscape LLC and the Port of Portland rather than to Fore Property Company and the Port of Portland because CRP/FPC Riverscape LLC is the owner of the Riverscape site and the soil being moved. DEQ has reviewed the CRP/FPC Riverscape LLC's September 11, 2013 application submitted by Fore Property Company and Golder Associates for a solid waste beneficial use determination. The application proposes to transfer approximately 59,600 cubic yards of soil from the Riverscape site in northwest Portland to the Port of Portland (Port) Troutdale Reynolds Industrial Park for beneficial use as fill and/or surcharge material for proposed industrial lot development.

DEQ has determined that the beneficial use proposal meets the requirements for a case-specific Beneficial Use Determination under Oregon Administrative Rules 340-093-0260 through -0290. The BUD is issued to both CRP/FPC Riverscape LLC and the Port of Portland and is limited to the materials, approved uses, and conditions specified in the table below. The conditions of the BUD are intended to prevent adverse effects to human health and the environment.

Solid Waste	Beneficial Use	Conditions on Use
Fore Property Company fill material from the Riverscape site up to 59,600 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.

DEQ's determination is based on a review of whether CRP/FPC Riverscape LLC's proposed beneficial uses of fill material meets the case-specific beneficial use performance criteria outlined in OAR 340-093-0290. Details of our review are provided in the attached case-specific evaluation report.

If you have any questions about this BUD, please contact me or Bill Mason at 541-687-7427.

Sincerely,



Audrey O'Brien, Manager
Northwest Region Environmental Partnerships

Enc

ec: Bill Mason, DEQ-WR-Eugene, mason.bill@deq.state.or.us
Erin McDonnell, DEQ NWR, mcdonnell.erin@deq.state.or.us
David Breen, Port of Portland,
David Ashton, Port of Portland,
Kelly Toynton, Golder Associates,
Chip Humphrey, EPA Region 10 humphrey.chip@epa.gov