



Oregon

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DRAFT

Robert Fraley
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RE: Beneficial Use Determination (BUD-20240418), PWB – Bull Run Finished Water Pipeline Contaminated Soils

Dear Robert Fraley:

The Department of Environmental Quality (DEQ) has reviewed Portland Water Bureau's (PWB) application for a solid waste beneficial use determination (BUD) that was submitted on April 18, 2024 and updated on May 20, 2024. The application requests that DEQ approve a proposed beneficial use of slightly contaminated soils generated by PWB that will be excavated from the surface of the pipeline trench excavation areas and from the intersection widening project at the intersection of SE Dodge Park Boulevard and SE Cottrell Road. The proposed beneficial use for the slightly contaminated soil will consist of four reuse options: (1) use of the soil as nonstructural construction fill within the excavated pipeline trench, (2) use of the soil as nonstructural construction fill on the shoulder surfaces immediately adjacent to the roadway, (3) use as topsoil as part of trench restoration of a farm field as specified by landowner, or (4) use of the soil as nonstructural construction fill at the water filtration facility according to proposed BUD-20240402.

PWB has requested this beneficial use because the soils to be excavated and reused as nonstructural construction fill have been sampled and the concentrations of pesticide contaminants do not meet the DEQ clean fill screening values. The contamination values exceed ecological risk screening values and are below occupational human health risk screening values. The application proposes to beneficially reuse approximately 19,000 cubic yards (CY) of the slightly contaminated soils as construction fill until construction completion in 2027 as well as 250 cubic yards of soil generated from intersection widening at the southwestern corner of the SE Dodge Park Boulevard and SE Cottrell Road. The pipeline excavation work is scheduled to begin in early July 2024.

Soil material that exhibits staining or emits odors is not included in this BUD.

DEQ has determined that the beneficial use proposal meets the requirements for a Tier 2 case-specific Beneficial Use Determination (BUD) under Oregon Administrative Rule (OAR) 340-093-260 through 340-093-0290. This BUD is issued to PWB and is limited to the materials, approved uses, and conditions specified in Table 1.

DEQ's determination is based on a review of PWB's application for beneficial use of contaminated soils to be generated during the Bull Run Finished Water Pipeline construction project, which demonstrates the case-specific beneficial use performance criteria outlined in

OAR 340-093-0280 are met for the approved uses. Details of DEQ's review are provided in the attached case-specific evaluation report.

Failing to use the contaminated soils in accordance with the BUD approval conditions on use will subject the material to solid waste regulations and fees. If the conditions of approval cannot be met, the waste must be disposed of at a DEQ permitted landfill or DEQ approved facility.

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

Material	Beneficial Use	Conditions on all Uses
<p>Approximately 19,000 cubic yards of contaminated soils generated from construction activities at the Bull Run Finished Water Pipeline Project. As well as 250 cubic yards of soil generated from intersection widening at the southwestern corner of the SE Dodge Park Boulevard and SE Cottrell Road.</p>	<p>Contaminated soils will be used in one of the following reuses:</p> <p>(1) use of the soil as nonstructural construction fill within the excavated pipeline trench, or</p> <p>(2) use of the soil as nonstructural construction fill on the shoulder surfaces immediately adjacent to the roadway, or</p> <p>(3) use as topsoil as part of trench restoration of a farm field as specified by landowner, or</p> <p>(4) Use of the soil as nonstructural construction fill at the water filtration facility according to proposed BUD-20240402.</p>	<p>To comply with this BUD, PWB must ensure:</p> <ol style="list-style-type: none"> 1. The contaminated soils be managed to prevent, at all times, windblown dust, runoff and erosion, releases to the environment or nuisance conditions. 2. The contaminated soils will not be placed where they could come into contact with or adversely impact surface water or groundwater. 3. The contaminated soils which will be used as non-structural construction fill and will be stockpiled during the water filtration facility construction according to the requirements of the Stormwater General Permit NPDES 1200-CA Permit. 4. The contaminated soils will be placed away from environmentally sensitive areas such as wetlands, wildlife refuges and parks to protect waters of the State. 5. PWB will maintain records documenting the amounts of contaminated soils used and where, keep the records for five years from the date created and make these records available for DEQ review and inspection and submit annual reports to DEQ by January 31 of each year identifying how much soil was used during the previous year. Placement of contaminated soils will be recorded in daily construction reports created by PWB’s construction quality assurance team. The excavated soil will be placed in accordance with one the four reuse options. If the contaminated soil is not reused, the soil will be disposed of at a DEQ approved landfill or site. 6. PWB must follow all requirements as specified by BUD-20240402 when reusing all materials at the proposed water filtration facility. 7. PWB will comply with all applicable federal, state, and local regulations when using the material. 8. PWB will inspect the cover at the reuse location after final placement by October 1 of each year until fully stabilized and will submit a status update to DEQ with the annual report (Condition 5).

If you have any questions or concerns, please contact Ryan Lewis (DEQ project manager) by phone at (503) 915-4764, or email at Ryan.Lewis@deq.oregon.gov. DEQ appreciates your cooperation in protecting Oregon's environment.

The existing land use approval for the Bull Run Filtration Facility is still under appeal at the Land Use Board of Appeals. DEQ will rescind this BUD if LUBA reverses the county land use approval.

Sincerely,

Audrey O'Brien, Manager
Northwest Region, Environmental Partnerships

Enclosure: Beneficial Use of Solid Waste Determination Evaluation Report