

Memorandum

DATE: May 19, 2025

TO: Portland Water Bureau

FROM: Dennis Terzian RG, Principal Geologist, PBS Engineering and Environmental, LLC

PROJECT: 24433.000

REGARDING: Water Bureau Filtration Facility Project - Response to Public Comments Related to Contaminated Soils – Second Open Record Period

The following provides responses to comments included in Exhibit S.20 – Memorandum from Charles Ciecko in response to N.62 dated May 5, 2025. Mr. Ciecko's comment addresses information provided in a memo prepared by PBS in the record as Exhibit N.62, dated April 14, 2025, and titled *Effect of Development Related to Migration of Contaminated Soil*.

As explained in the memo prepared by PBS in the record as Exhibit S.34, *Response to Public Comments Related to Contaminated Soils*, the Clackamas County property referenced in Mr. Ciecko's memorandum as the "Gramor Property" is a 29-acre Clackamas County farm property owned by T&K Sester Family LLC located at Clackamas County Parcel No. 00603617, Map and Tax Lot 2S3E03 03302.

Exhibit S.20: Charles Ciecko comment on transport of contaminated soils to offsite locations – Page 1.

One of the defects with the Terzian Report is the assumption that relocating the contaminated soils to different sites removes the obligation to consider the impacts at the deposit locations including the construction site, county road right-of-ways, or the property owned by T&K Sester Farms, LLC located in Clackamas County (Gramor Property). Just pushing the contamination elsewhere does not satisfy the adverse effect concern when the evidence to date shows that these stockpiles are having a negative impact on natural resources.

Response:

When evaluating the potential for contaminated soil placement to affect natural resources, PBS focused (as directed by LUBA) on the final proposed operating land use, rather than construction. The conditions of excavation, movement, and stockpiling of soil are part of construction activities and are not a permanent component of the proposed land use of these properties. Accordingly, this comment, and others related to these topics, are irrelevant to the scope of this land use remand.

As noted in PBS's Exhibit N.62, the potential for contaminated soil to affect natural resources was considered for the Filtration Facility by studies completed by PWB contractors (including PBS) and for the Gramor Property by contractors of T&K Sester. Consideration included evaluation of the potential effect on ecological receptors and the potential for contaminated soil to migrate to natural resources. As noted in Exhibit N.62, Oregon Department of Environmental Quality (DEQ) concurred with the determination of risk (or lack thereof) presented in those reports.

Exhibit U.20.d

PWB does not own or legally control, in any manner, the Gramor Property. As explained in Exhibit S.34, a compliance agreement was executed on November 22, 2024, between the City of Portland and T&K Sester. Of note, the agreement required the following:

- Once T&K Sester receives the materials, T&K Sester is the responsible party for the received materials for all purposes.
- T&K Sester will, in connection with the exercise of its rights and performance of its obligations under the agreement, comply with all applicable laws, ordinances, rules, regulations, orders or other requirements of government authorities.

Although placement of excavated material on road shoulders as noted by Mr. Ciecko was one of the allowed uses of this soil under the DEQ approved Beneficial Use Determination (BUD), the pipelines contractor decided to remove any excavated contaminated material and transport it to a nonhazardous Resource Conservation and Recovery Act (RCRA) subtitle D disposal facility. Soils and other materials used to restore the pipeline construction areas will only be clean fill. Therefore, removal of contaminated soils from the pipeline alignments will result in a lower risk to surrounding natural resources and the project will positively (rather than adversely) affect natural resources related to contaminated soils.

Exhibit S.20: Charles Ciecko comment on transport of contaminated soils to offsite locations – Page 1.

This document [Exhibit N.62] does not dispute that the soils are contaminated with DDT, DDE, and Dieldrin or that concentrations are well above the DEQ standard for use as clean fill. The document misrepresents the volume of contaminated soils by stating 120,000 cu. yds. of soil are contaminated. As amended by PWB, the current volume listed in DEQ BUD 20240906 is 190,000 cu. yds.

Response:

Exhibit N.62 accurately presents the “identified residual concentrations of several persistent pesticides in near-surface soil at the Filtration Facility Site and Finished Water Pipeline Sites, including 4,4-DDD, 4,4-DDE, 4,4-DDT, and dieldrin at concentrations exceeding Oregon Department of Environmental Quality (DEQ) Clean Fill Screening Levels (CFSLs).” Exhibit N.62, page 1. It is not clear why Mr. Ciecko notes the lack of “dispute” over those plainly stated facts.

The referenced document (Exhibit N.62) does not misrepresent volumes of soil. The larger volume of 192,000 cubic yards referred to in the BUD was an estimated maximum volume of soil that *could* require management and included 160,000 cubic yards at the Filtration Facility and 32,000 cubic yards in the areas of the Pipeline Sites. The *actual* volume of soil requiring management and transport to the Gramor Property was approximately 120,000 cubic yards, as noted.

Exhibit S.20: Charles Ciecko comment on transport of contaminated soils to offsite locations – Page 1.

The document fails to address the potential for contaminated soils migration at the identified sites where the contaminated soils have been (or will be deposited) or the migration of contaminated soils during their excavation at the construction site or during the lengthy stockpiling period. These sites include the Gramor Property, road shoulders of rural county roads or backfilling at the filtration plant site.

Response: As noted above, when evaluating the potential for contaminated soil placement to affect natural resources, PBS focused (as directed by LUBA) on the final proposed operating land use, rather than construction. The conditions of excavation, movement, and stockpiling of soil are part of construction activities and are not a permanent component of the proposed land use of these properties. Accordingly, this comment, and others related to these topics, are irrelevant to the scope of this land use remand.

Moreover, prior analysis in Exhibit S.20 did address the risk of migration from Gramor Property -- road shoulders and areas of stockpiles on the filtration facility site are managed under PWB's 1200-CA permit. The 1200-CA permit provides direction to the permittee on protection of water quality using established controls and practices detailed in the permit, including stockpile management and erosion control measures. It is PBS' understanding that the management of the stockpile during construction was and will be done under DEQ 1200CA permit requirements, including that the stockpile be "managed to prevent, at all times, windblown dust, runoff and soil erosion, releases to the environment or nuisance conditions." Exhibit S.34, page 12. As a part of protecting the environment, the stockpile has been "placed above the regional groundwater table." Exhibit S.34, page 6.

Exhibit S.20: Charles Ciecko comment on transport of contaminated soils to offsite locations – Page 2

As shown in the photos below, the stockpiling of soils at the site created migration via wind erosion of dust (for example, Figure 1 and Figure 2) and sediment erosion (Figure 3) throughout the winter month's many rain events. ... Furthermore, there's no documentation to support any conclusion that migration has not occurred since excavation and stockpiling began.

Response:

As noted above, when evaluating the potential for contaminated soil placement to affect natural resources, PBS focused (as directed by LUBA) on the final proposed operating land use, rather than construction. This comment is entirely related to construction and is outside the scope of this land use proceeding.

Moreover, photographs attached to Mr. Ciecko's submittal show erosion control measures in use at the construction site, including silt fences and the establishment of grass seed on stockpiles. Both of these measures are common tools used at construction sites to minimize erosion. In response to public complaints in July 2024, PWB worked with DEQ to develop a Stockpile Management Plan (attached as Attachment C) with specific details of the methods for stockpile management to supplement the already DEQ-approved Erosion and Sediment Control Plan (ESCP). The Stockpile Management Plan and letter from PWB to DEQ dated July 5, 2024 (attached as Attachment C), detailing a response to DEQ's June 14, 2024, warning letter (included as Exhibit A to the Attachment B letter), explain the additional measures that were taken by PWB and their contractors to improve erosion control measures. As a response to these actions, DEQ withdrew the warning letter in a July 16, 2024 "Withdrawal of 2024-WLOTC-6786" letter, attached as Attachment B. DEQ reviewed and approved the stockpile management plan (Attachment C) and confirmed that all corrective actions mentioned in the Withdrawal letter have been complied with and the "project is in compliance with the 1200-CA permit and DEQ requirements." Attachment D.

Exhibit S.20: Charles Ciecko comment on transport of contaminated soils to offsite locations during prior agricultural use of land – Page 2.

The document [Exhibit N.62] hypothesizes that contaminated soils were migrating to the headwaters of Johnson Cr. as result of the previous agricultural use of the land. However, there is no evidence to support this hypothesis such as sediment samples taken from the creek prior to the commencement of excavation.

Response:

Prior to initiation of development of the Filtration Facility property, farming activities at the site regularly included periods of active soil working that would have the potential to generate dust and runoff from plowing and similar working of soil and rainfall runoff. Publicly available historic imagery available in both Google Maps Street View and Google Maps historical aerial photograph coverage of the property depicted large portions of the site with exposed soil that was not mitigated for erosion. For additional information, see *Second Open Record Period Response to Public Comments on Agriculture and Agricultural Lands*, from Bruce Prenguber, dated May 19, 2025 and submitted into the record concurrently with this memorandum.

Exhibit S.20: Charles Ciecko comment on contaminated soils at Gramor Property – Pages 2 and 3.

Previous remand testimony (see N.43, pg. 34) documented PWB's mishandling of contaminated soils at the Gramor property and DEQ's failure to terminate the Beneficial Use Determination 20240906 or otherwise hold PWB responsible. It's noteworthy that neither DEQ, PWB or the author of Ex. N.62 ever made the effort to sample storm water-runoff from the area where contaminated soils were deposited during multiple heavy winter rainfall events to determine if contaminated soils were migrating from the site into adjacent drainages or onto adjoining private properties (see photos submitted with N.43, pg. 37).

Response: This comment was fully responded to in Exhibit S.34. It is incorrect to refer to "PWB's mishandling of contaminated soils at the Gramor property". Based on PBS' understanding, PWB is not responsible for and did not handle (or mishandle) soils at the Gramor property. Instead, the property owner T&K Sester Family LLC ("T&K Sester") was "the responsible party for the received materials for all purposes" and was obligated to "comply with all applicable laws, ordinances, rules, regulations, orders or other requirements of government authorities." Exhibit S.34, page 3. T&K Sester submitted to DSL, and obtained concurrence from DSL, on a Topsoil Placement Plan prepared by T&K Sester's environmental consultants, Sound Ecological Endeavors, LLC, and Evren Northwest. T&K Sester is the only one with the ability or responsibility to design, implement, and comply with the Topsoil Placement Plan and other applicable requirements related to the placement and management of soil on the Gramor property. For that reason, it would not be appropriate for PWB or their contractors to sample stormwater at the Gramor property.

Attachments: Attachment A: PWB Response Letter Packet, dated July 5, 2024
Attachment B: DEQ Withdrawal Letter dated July 16, 2024
Attachment C: Bull Run Filtration Facility Stockpile Management Plan, dated July 2024
Attachment D: DEQ Confirmation of Compliance Letter, dated May 2025



Mingus Mapps, Commissioner
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Trevor Ureno
Department of Environmental Quality – Northwest Region
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July 5, 2024

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RE: Warning Letter 2024-WLOTC-6786 Related to 1200CA Permit Submittal #49853

Dear Trevor:

The Portland Water Bureau (“PWB”) respectfully submits this response to the June 14, 2024, Oregon Department of Environmental Quality (“DEQ”) Warning Letter 2024-WLOTC-6786 (the “Warning Letter”) related to the PWB Filtration Facility.¹ In the Warning Letter, DEQ states that it “observed areas of non-compliance with conditions of the 1200-CA construction stormwater permit” (the “Permit”), specifically for not properly stabilizing or covering stockpiles at the end of the workday under Section 2.2.8 of the Permit.²

This letter provides additional information and a clarification of facts in response to the alleged violation. In reviewing the facts surrounding this issue and the photos provided by DEQ related to the Warning Letter, PWB does not believe that the Warning Letter was

¹ See Exhibit A.

² As provided in the introductory paragraph of the Warning Letter, PWB is operating under a 1200-CA permit. However, the violation section of the Warning Letter references 1200-C permit language and cites 1200-C permit Section 2.2.8, rather than the operable 1200-CA permit Section 13.2.8. The applicable 1200-CA Section 13.2.8 management provisions are addressed in this response.

warranted. For the reasons outlined in this letter, PWB respectfully requests that DEQ withdraw the Warning Letter pursuant to OAR 340-012-0038(1).

Issuance of the Warning Letter

On Friday June 14, 2024, PWB received the Warning Letter via email. The Warning Letter states that DEQ received photographic evidence of stockpile stabilization violations at PWB's Filtration Facility construction site located at 35320 SE Carpenter Lane. It further states that DEQ observed areas of non-compliance with conditions of the 1200-CA construction stormwater permit. The Warning Letter directed PWB to review an attached inspection report for full details, but an inspection report was not included. DEQ later notified PWB that DEQ did not prepare an inspection report prior to issuing the Warning letter and that the only information available on the alleged violations was the photographs (Figures 1 & 2, below).

In subsequent email correspondence on June 17, 2024, DEQ informed PWB that the photographic evidence referenced in DEQ's Warning Letter was taken by DEQ on Tuesday June 11, 2024, between 8:50 pm and 9 pm, shortly after DEQ staff left the Cottrell CPO public meeting related to PWB's Beneficial Use Determination applications for the site. DEQ explained that it had visited the construction site in response to citizen complaints at the public meeting that stockpiles were not covered and dust from the stockpiles had been blowing offsite. DEQ did not suggest in the Warning Letter that it observed any dust from stockpiles leaving the site.

PWB takes the alleged violation seriously and responded immediately after receiving the Warning Letter by notifying PWB and contractor construction managers and inspectors. As soon as PWB received the Warning Letter until June 28, 2024, the contractor covered all project stockpiles each night regardless of the weather forecast. On June 28, 2024, the contractor began, and has continued, to use tackifier to stabilize stockpiles, as acknowledged by DEQ staff.³

A Violation Did Not Occur

As noted above, the issued Warning Letter incorrectly references 1200-C permit criteria for stockpile stabilization instead of 1200-CA permit criteria. We understand from conversations with DEQ on June 26th and June 27th, that DEQ intended to cite Section 13.2.8 of the 1200-CA Permit. Accordingly, this response addresses the requirements of Section 13.2.8 of the 1200-

³ See Exhibit B, photos of stockpile covering and tackifier application.

CA Permit, which addresses the management of “stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil.”

Section 13.2.8 (c), requires the following related to covering stockpiles:

Soil stockpiles must be stabilized or covered at the end of each workday and before weekends, holidays or extended breaks of construction activities **if a storm event is forecast** that may result in any discharge from the project site or wind speeds (**typically** 10 mph or greater) capable of soil erosion that may result in fugitive dust; (emphasis added)

Importantly, the use of the word “if” in this section requires the use of professional judgement by the contractor in determining if forecasted weather conditions may “result in any discharge from the project site” or include winds that are “capable of soil erosion that may result in fugitive dust.” Additionally, the use of “typically” in relation to wind speeds indicates that the permit does not impose an objective standard related to wind speed. Instead, a contractor must consider the totality of the circumstances in determining if the projected overnight wind speeds are capable of soil erosion resulting in fugitive dust. In other words, there is not a blanket requirement that stockpiles must always be stabilized or covered at the end of each workday, even if sustained wind speeds or gusts are projected to be above 10 mph.

Accordingly, at the end of the workday on June 11th, construction crews evaluated the weather forecast, which predicted little to no rain within the next 24 hours and no storm event. The site was actively under construction, the stockpiles were in use, and the site strippings in the stockpiles were still damp and filled with organic content (which prevent erodible conditions). Thus, the contractor concluded that no storm event or wind speeds “capable of soil erosion” or capable of “fugitive dust” would be present and decided that covering the stockpiles was not necessary. Based on these facts, it is PWB’s position that that the contractor’s conclusion was reasonable and in line with the requirements of the 1200-CA Permit.

While the Permit does not suggest a violation can be assessed by retroactively referring to weather conditions to determine compliance, the fact is that the actual weather conditions measured on June 11, 2024, at the Cottrell Farm weather station (KORBORIN2, located just south of the construction site) indicate that the forecast was accurate and appropriately relied on by the contractor. The weather report shows a low temperature of 52 degrees and high of 72 degrees. Sustained wind speeds varied, ranging between 2 mph and 8 mph,

throughout the day.⁴ There was no precipitation on June 11th and none was predicted on for the following day.

Even if the weather had been “capable of soil erosion that may result in fugitive dust” -- which it was not -- Section 13.2.8 (c) still would not have necessarily required covering stockpiles. This subsection, instead, requires stockpiles be “stabilized or covered.” Here, the contractor determined that the stockpiles were appropriately stabilized because they were damp and filled with organic content, which would not have resulted in erodible conditions in the time frame the stockpiles were left uncovered.

Additional Permit Stockpile Management Requirements Were Being Followed

In addition to compliance with Section 13.2.8 (c), other permit stockpile management requirements, Section 13.2.8 (a) and (b), were being employed on June 11th.

Section 13.2.8 (a) of the Permit allows the permittee to manage stockpiles by locating “the piles outside of any natural buffers established under Section 13.2.1 and away from any stormwater conveyances, drain inlets and areas where stormwater flow is concentrated.” The soil stockpiles depicted in the photographs provided by DEQ were not located near natural buffers (i.e., vegetated areas or trees, vegetated buffer areas between the site and sensitive areas), water conveyances, drain inlets, or where stormwater flow is concentrated. There are currently no drain inlets on or near the site. The headwaters of Johnson Creek are several hundred feet southwest of the stockpile locations. The photos taken by DEQ on Tuesday June 11th, show stockpiles contained inside established sediment fences and located away from sediment fencing established at the property frontage along SE Carpenter Lane and outside of any natural buffers. The stockpiles were in a flat area of the site away from any area where stormwater flow would be concentrated, and no stormwater conveyance systems existed on the site at the time of the alleged violation.

Additionally, Section 13.2.8 (b) provides that stockpiles can be managed by installing “a sediment barrier (e.g., berms, dikes, fiber rolls, silt fences, sandbags, gravel bags or straw bale) along all downgradient perimeter areas.” DEQ’s photos (Figure 1 below) show relatively small, uncovered stockpiles contained within installed sediment fencing on the site. In fact, silt fencing installed at the site is around the property's perimeter, including along all downgradient perimeter areas and Multnomah County inspector Robert Hyde had inspected

⁴ See Exhibit C (While no sustained winds above 10 mph were forecast for the evening of June 11, 2024, the City does note that the weather report indicates there were occasional wind gusts in the area over 10 mph).

and approved all erosion and sediment control measures on June 10, 2024, just one day before the alleged violation.⁵

It is important to note that daily inspections are performed at the site by a Certified Erosion and Sediment Control Lead (CESCL) specialist. CESCL specialists must understand standard industry practices for performing erosion and sediment control management activities and must ensure compliance with 1200-CA Permit requirements. CESCL training is an accepted program by the DEQ 1200-CA Program. The totality of the facts regarding the management of stockpiles on the Site on June 11, 2024, particularly the forecasted weather conditions and the already stabilized nature of the stockpiled soil, show that 1200-CA stockpile management requirements were being followed.⁶

Figures 1 & 2: DEQ photos taken June 11, 2024 – around 9 pm



Ongoing Compliance

PWB and its team of contractors remain committed to ensuring ongoing compliance with the Permit requirements throughout the duration of the project construction, including having a detailed and regularly updated Erosion and Sediment Control Plan (ESCP) for the Site. As of

⁵ See Multnomah County Inspection: 000372-2024 per Casefile T1-2023-16571, Exhibits D and E.

⁶ Neither Section 13.2.8 (d) (providing cover for stockpiles not in use) nor Section 13.2.8 (e) (prohibition of hosing down or sweeping soil into stormwater conveyance, etc.) were not applicable to the conditions at the Site on June 11, 2024.

the date of this letter, PWB has reviewed in detail its ESCP and has updated it to more clearly describe and depict the conditions on the Site including the locations of current and planned land disturbing activities and stockpiles. PWB has also updated its ECSP with a Stockpile Management Plan⁷ to include the use of tackifier, tracking (surface roughening), hydromulching, straw mulching, and compaction to stabilize stockpiles, as acknowledged by DEQ staff on June 28, 2024.

Conclusion

The 1200-CA Permit does not require all exposed soil or stockpiles to be covered or actively stabilized during all non-work shift hours of the day. Section 13.2.8 (c) requires the use of professional judgement by the contractor based on time of year, projected weather conditions, the location, terrain, and the proximity to waters, drains, or sensitive environmental resources, when determining if additional stabilization measures are necessary. In this instance, the risk of erosive weather was extremely low, the location consists of little slope where soil stripping occurred, and the work was not near sensitive resources. Additionally, there is ample vegetated buffer, and the perimeter sediment fence was in place and approved.

There is no evidence that the forecasted weather or site conditions on June 11th posed a significant risk for erosion to occur or dust to leave the site. Accordingly, it is PWB's position that the stockpiles observed by DEQ on June 11th were in compliance with the 1200-CA Permit and that the Warning Letter was issued in err. PWB respectfully requests that DEQ withdraw the Warning Letter pursuant to OAR 340-012-0038.

PWB appreciates the opportunity to respond to the Warning Letter as well as the time the DEQ staff have taken with PWB representatives to discuss these issues.

Sincerely,



Robert Fraley

Filtration Program Principal Analyst

⁷ See Exhibit F Stockpile Management Plan

Exhibits

A Warning Letter

B Stabilized Stockpile Photos

C Weather Data June 11, 2024 KORBORIN2 Weather Station

D Multnomah County Inspection: 000372-2024

E Casefile T1-2023-16571 – ESC Permit

F Stockpile Management Plan and BMPs

CC: David Peters, Bull Run Filtration Program Director

Samantha Gamboa, Deputy City Attorney

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Oregon

Tina Kotek, Governor

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TTY 711

June 14, 2024

Robert Fraley

**RE: Warning Letter with Opportunity to Correct
2024-WLOTC-6786
Portland Water Bureau Filtration Facility
DEQ PLC Number: 22137
NPDES 1200-CA Construction Stormwater Permit**

On June 13, 2024, the Department of Environmental Quality (DEQ) received photographic evidence of stockpile stabilization violations at the Portland Water Bureau Filtration Facility located at 35319 SE Carpenter Lane, Gresham, OR. DEQ observed areas of non-compliance with conditions of the 1200-CA construction stormwater permit. Please see the attached inspection report for full details.

Based upon the inspection of your project, DEQ has concluded that you are responsible for the following violation of Oregon environmental law:

VIOLATION:

ORS 468B.025(2): No person shall violate the conditions of any waste discharge permit issued under ORS 468B.050 (Water quality permit). This violation is for violating any management, monitoring, or operational plan established pursuant to a 1200-C permit; Registrant failed to properly manage stockpiles per the 1200-C permit Section 2.2.8. Stockpiles must be stabilized or covered at the end of each workday, and before weekends, holidays, or extended breaks in construction activities if needed based on weather forecasts.

Required Corrective Actions

1. Stabilize all soil and sediment stockpiles on the project site. Send photographic evidence to the DEQ contact below.
2. Update your ESCP with defined methods of stockpile stabilization on the BMP diagram sheet. Upload your revised ESCP to YourDEQOnline (YDO).

Should you have any questions about the content of this letter, contact me in by phone 971-303-4646 or by email at trevor.ureno@deq.oregon.gov.

Sincerely,

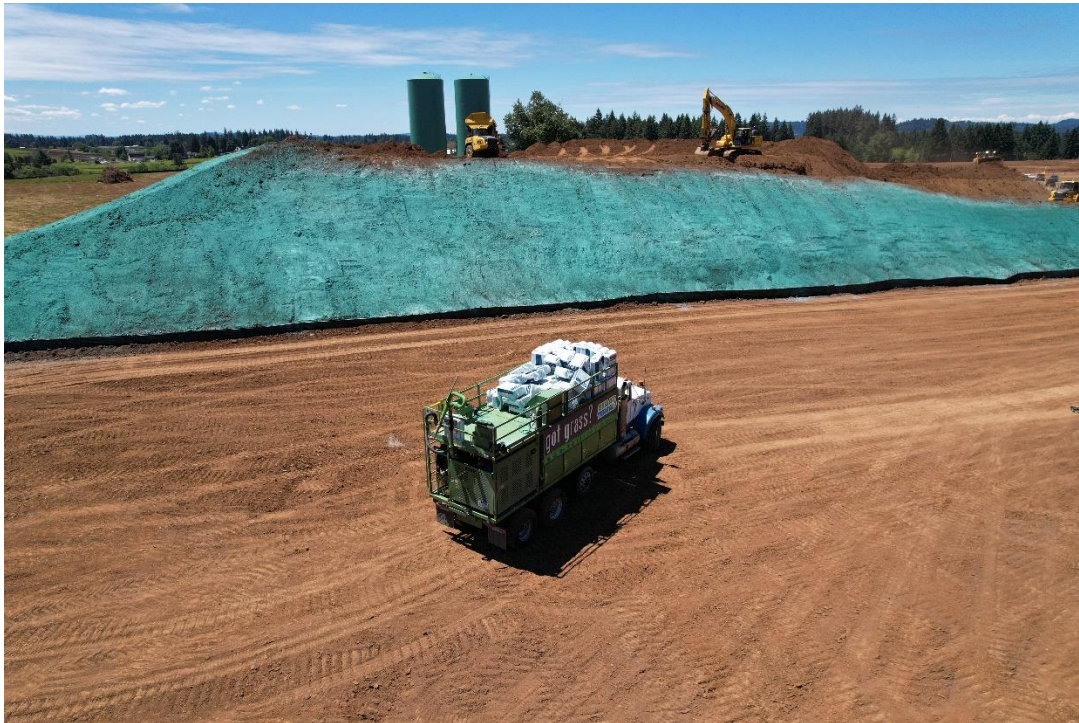
Trevor Ureno
Water Quality Specialist
Oregon Department of Environmental Quality – Northwest Region

Exhibit B – Photos of Stabilized Stockpiles

Coverage of Stockpiles – June 14-27, 2024



Use of Tackifier beginning June 28, 2024



CURRENT CONDITIONS

MAP



65.8

Feels Like
65.8 °



WIND & GUST
2.0 / 1.0 mph

DEWPOINT

54.0 ° F

PRECIP RATE

0.00 in/hr

PRESSURE

30.04 in

HUMIDITY

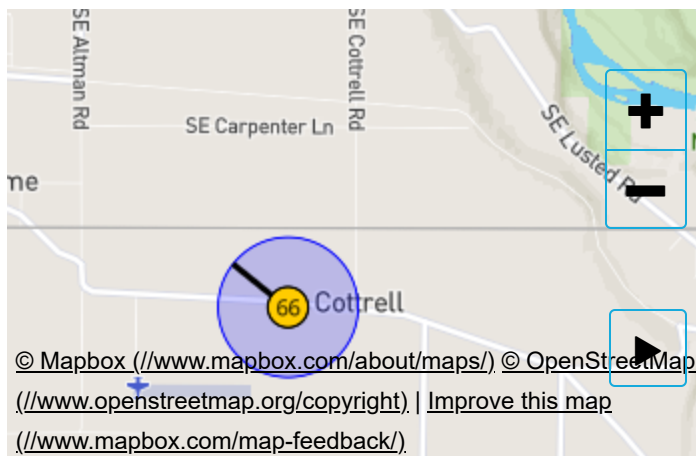
67 %

PRECIP ACCUM

0.00 in

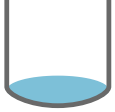
UV

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[lat=45.46116437456024&lon=-122.29896471493475&zoo](#)

PWS CURRENT CONDITIONS



0.00 in/in
PRECIP
TOTAL
0.00 in



0.00
watts/m²

Weather History for KORBORIN2

Daily Mode

June

11

2024

Previous

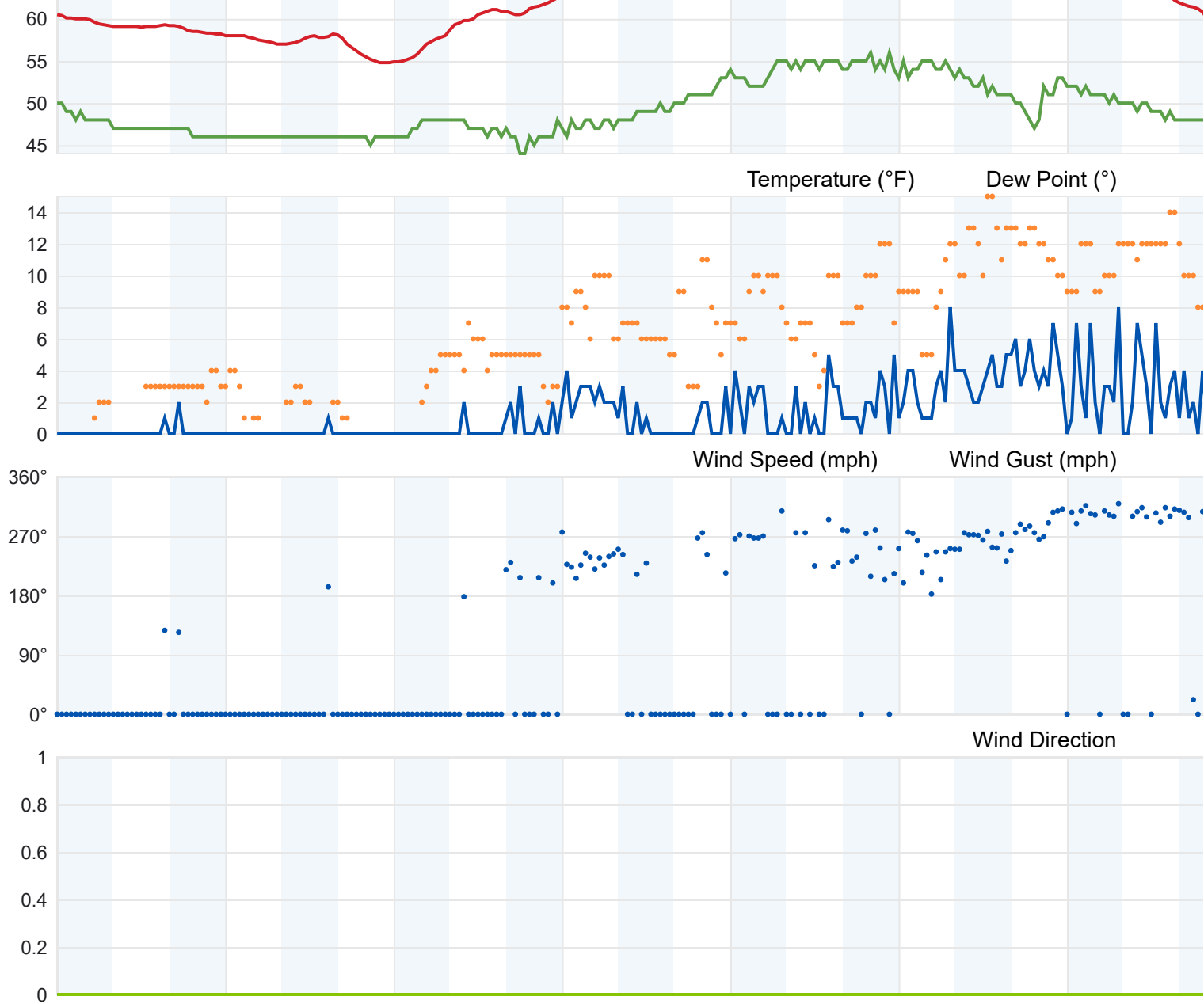
View

Next

Summary

June 11, 2024

	High	Low	Average
Temperature	72.2 °F	52.2 °F	62.0 °F
Dew Point	56.0 °F	44.0 °F	48.8 °F
Humidity	75 %	42 %	63 %
Precipitation	0.00 in	--	--



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[Contact \(/about/contact-us\)](#)

[Careers \(https://www.weathercompany.com/careers\)](https://www.weathercompany.com/careers)

[PWS Network \(/pws/overview\)](#)

[WunderMap \(/wundermap\)](#)

[Feedback & Support \(https://www.wunderground.com/feedback\)](https://www.wunderground.com/feedback)

[Terms of Use \(/company/legal\)](#)

[Privacy Policy \(/company/privacy-policy\)](#)

[Accessibility Statement \(/accessibility-statement\)](#)

[AdChoices \(/company/ad-choices\)](#)

[Data Vendors \(/data-vendors\)](#)



[_ \(https://www.essentialaccessibility.com/the-weather-channel?
utm_source=theweatherchannelhomepage&utm_medium=iconlarge&utm_term=eachchannelpage&utm_content=header&utm_](https://www.essentialaccessibility.com/the-weather-channel?utm_source=theweatherchannelhomepage&utm_medium=iconlarge&utm_term=eachchannelpage&utm_content=header&utm_)

We recognize our responsibility to use data and technology for good. We may use or share your data with our data vendors. Take control of your data.

Inspection Number: 000372-2024

Inspection Type:

Erosion Control Inspection

Requested Date:

06/04/2024

Scheduled Time:

08:30 AM

Inspection Status:

Passed

Plan Number:

T1-2023-16571

Completed Time:

10:30 AM

Scheduled Date:

06/10/2024

Completed Date:

06/10/2024

Inspector Name:

Main Address:

Robert Hyde
35227 SE CARPENTER LN GRESHAM,OR 97080

Locations

Checklist

Fees

Attachments

Previous

Checklist Next Tab Inspection Details Main Menu

Checklist				Sort	Checklist Item
Checklist Item	Description	Passed	Comments	Order	
Adjacent water features free from sediment	Erosion & Sediment Control	Yes		10	
All areas appropriately stabilized	Final Inspection	Yes		13	
Discharge points free of apparent pollutant	Erosion & Sediment Control	Yes		6	
Disturbed soil temporarily stabilized	Have all disturbed soil areas not being actively worked been temporarily stabilized to protect against erosion?	Yes		12	
Downstream areas protected from erosion & sediment	Final Inspection	Yes		18	
Dust control measures	Construction Site Management	Yes		3	
Erosion prevention measures are in-place	Erosion & Sediment Control	Yes		7	
Finished cut and fill slopes properly stabilized	Final Inspection	Yes		16	
Graveled/paved/constructed entrances and exits	Construction Site Management	Yes		1	
Hazardous material and waste storage	Construction Site Management	Yes		5	
Parking areas with tire wash	Construction Site Management	Yes		2	
Sediment controls installed along perimeter	Construction Site Management	Yes		4	
Sediment from site on adjacent properties	Erosion & Sediment Control	N/A		9	
Soil stockpiles stabilized with seeding/other	Final Inspection	N/A		14	
Stockpiles in designated areas and protected	Erosion & Sediment Control	N/A		8	
Temporary control measures have been removed	Final Inspection	N/A		17	
Utility trenches stabilized properly	Final Inspection	N/A		15	
Wet weather requirements have been met	Is the contractor implementing additional wet weather requirements required for land disturbance activities conducted during winter months (Oct – Apr) where slopes are greater than 5% and soils have medium to high erosion potential?	Yes		11	

EROSION AND SEDIMENT CONTROL PERMIT



www.multco.us/landuse ▪ Email: land.use.planning@multco.us ▪ Phone: (503) 988-3043

Case File: T1-2023-16571 **Applicant:** Bonita Oswald, Portland Water Bureau

Proposal: Erosion and Sediment Control (ESC) permit for ground disturbing activity associated with the construction of the Water Filtration Facility, associated Communication Tower, Intertie Site and installation of Raw Water and Finished Water Pipelines as approved by land use case, T3-2022-16220.

Locations:

Filtration Facility	35320 SE Carpenter Ln, Gresham Map, Tax lot: 1S4E22D-00100 & -00400	Property ID # R342603 & R342619 Alt. Acct. # R994220820 & R994220980
Intertie Site	33444 SE Lusted Rd, Gresham Map, Tax lot: 1S4E21A-00900	Property ID # R342513 Alt. Acct. # R994210630
Pipelines in R.O.W.	SE Carpenter Lane, SE Cottrell Rd, SE Dodge Park, SE Lusted Rd, SE Altman Rd, SE Oxbow Rd, Gresham	
Raw Water Pipeline on Private Properties	36800 & 36910 SE Lusted Rd, Gresham Map, Tax lot: 1S4E23C-00800, -001400 & 01500	Property ID # R342647, R237226 & R237225 Alt. Acct. # R994230150, R649716620, & R649716640
Finished Water Pipeline on Private Property	35227 SE Carpenter Lane, Gresham Map, Tax lot: 1S4E22DB-00300	Property ID # R342606 Alt. Acct. # R994220850
	33444 SE Lusted Rd, Gresham Map, Tax lot: 1S4E21A-00900	Property ID # R342513 Alt. Acct. # R994210630
	6704 SE Cottrell Rd, Gresham Map, Tax lot: 1S4E22BA-00200	Property ID # R342553 Alt. Acct. # R994220300
	34747 SE Lusted Rd, Gresham Map, Tax lot: 1S4E	Property ID # R341824 Alt. Acct. # R994150140
	South of 34747 SE Lusted Rd, Gresham Map, Tax lot: 1S4E22BA-00100	Property ID # R342633 Alt. Acct. # R994221120

Decision: This permit is effective as of May 24, 2024 with on-going responsibilities, obligations, and limitations.

Issued by: Lisa Estrin
Lisa Estrin, Senior Planner

For: Adam Barber
Interim Planning Director

Date: Friday, May 24, 2024

ORDINANCE REQUIREMENTS:

Applicable standards for this permit are in Multnomah County Code (MCC) Chapter 39 under: General Provisions: MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions

Land Use Case: T3-2022-16220

Ground Disturbing Activity and Stormwater: MCC 39.6210 Permits Required, MCC 39.6225 Erosion and Sediment Control Permit, MCC 39.6235 Stormwater Drainage Control

Copies of the referenced Multnomah County Code sections are available by visiting our website at <https://www.multco.us/landuse/zoning-codes> under the link **Chapter 39: Zoning Code** or by contacting our office at (503) 988-3043.

ON-GOING RESPONSIBILITIES, OBLIGATIONS, MODIFICATIONS, AND LIMITATIONS:

The following requirements are necessary to ensure that proposed development complies with the Type I criteria for this land use permit. This permit is based on the submitted written narrative(s) and plan(s). No development shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the applicant and their representative(s) to comply with these documents and the limitations of approval described herein. Where a restriction relates to a specific criterion, the code citation for that criterion follows in brackets.

General Requirements:

1. Permit Expiration - This permit shall **expire** as follows:
 - a. This permit shall expire in accordance with the timelines specified in Condition No. A.1, A.2 & A.3 in land use case no. #T3-2022-16220. This permit shall expire at the same time as T3-2022-16220 pursuant to MCC 39.1183, unless the development was established according to all specifications and ongoing responsibilities and obligations. If an extension is sought for T3-2022-16220, an extension of this permit will also be necessary unless all work under this permit has been completed. [MCC 39.1183]
2. Approval of this erosion and sediment control permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the applicant or their representative(s) to comply with these documents and the limitations of approval described herein.
3. All physical improvements shall be limited to those approved by T3-2022-16220. No physical improvement or modifications to these improvements are authorized by this permit. All ground disturbance and construction shall be in compliance with the authorizing T3 case. [MCC 39.1510]
4. Prior to the placement of any field office, the applicant or their representative shall obtain a Temporary Permit for each field office to be placed. [MCC 39.4215, MCC 39.4305, MCC 39.8750]
5. No ground disturbance or storage of materials is permitted on property that was not part of land use case T3-2022-16220 without first obtaining all necessary permits and permission from the property owner. [MCC 39.4215, MCC 39.4305]
6. No construction or temporary entrances to the public right-of-way shall be installed prior to obtaining any required permits from the Multnomah County Transportation Division.

WATER FILTRATION FACILITY SITE

Prior to starting the ground disturbance activity for the development:

1. The boundaries of the following areas shall be flagged, fenced or otherwise marked so that no mechanical ground disturbance, alteration, modification and/or development shall occur in the area on the Water Filtration Facility except for the handplanting of trees and shrubs authorized by land use case, T3-2022-16220:
 - a. The Geologic Hazard overlay along the northeastern portion of the site, except the Monitoring Points on 1S4E23C -02200;
 - b. The grove of trees required to be protected by Condition No. A.10.a of T3-2022-16220;

- c. The Significant Environmental Concern for water resource zone in the southwestern portion of the site; and
- d. The Significant Environmental Concern for wildlife habitat zone running along the northeastern boundary of the site.
- e. The Pleasant Home Water District property known as 35524 SE Carpenter Lane (R342552 & R342614).

The boundary flagging shall remain in place and be maintained until the construction is complete. [MCC 39.6225(B)(11), MCC 39.5075, MCC 39.5510, T3-2022-16220]

When you are ready to start the ground disturbing activity for the development authorized by this permit for land use case #T3-2022-16220 for the Water Filtration Facility:

- 2. **Install erosion and sediment control measures** consistent with the approved erosion and sediment control plans (Exhibit A.3, A.7 and A.8) and these conditions of approval. These measures shall remain in place and in good working order. Such measures shall be maintained until construction is complete. [MCC 39.6225(B)(12) through (15) and MCC 39.6225(B)(18)]
- 3. **Post the Erosion and Sediment Control Permit Notice Card.** The permit notice card shall be posted at the driveway entrance in a clearly visible location and remain posted until the ground disturbing activity is complete. If the notice card is lost, destroyed, or otherwise removed prior to completion of the ground disturbing activity, the applicant shall immediately contact **LUP-submittals@multco.us** to obtain a replacement immediately. [MCC 39.6210(F)(2) and MCC 39.6225(B)]
- 4. **Schedule an Erosion and Sediment Control (ESC) inspection.** A link to self-schedule an ESC inspection will be sent to you via email. When scheduling online, please document the site of the inspection (Site Address) in the comments section of the requested appointment. The County's inspector will visit the project site to verify that Best Management Practices are occurring. [MCC 39.6210(F)(2) and MCC 39.6225(B)]
- 5. **Within seven (7) days prior to commencement of each stage** (Stage 1 through Stage 5) of the Erosion and Sediment Control Plan and construction phases, the applicant or their representative shall send an email to **LUP-submittals@multco.us**, stating the date that the stage will commence on the Water Filtration Facility site. The email shall include the land use case #T3-2022-16220 and this ESC permit #T1-2023-16571 along with the case planner Lisa Estrin's name.

Permit limitations and requirements after ground disturbing activity for the development are authorized:

- 6. A 200 ft natural buffer shall be maintained from Johnson Creek in order to avoid encroachment into the SEC-wr overlay. No mechanical ground disturbance is permitted within the SEC-wr overlay zone. Stream enhancement or restoration projects are limited to removal by hand of invasive vegetation and planting of any native vegetation on the Metro Native Plant list. [MCC 39.5510 & MCC 39.55159(A)(14)]
- 7. No ground disturbing activities or installation of sediment and/or tree protection fencing shall be installed on the Pleasant Home Water District property known as 35524 SE Carpenter Lane (R342552 & R342614) unless authorized by a separate Erosion and Sediment Control Permit. No sedimentation shall be allowed to occur onto this property and no storage of stockpiled materials shall be placed or encroach onto it. This property is outside of the scope of this permit.

8. All stockpiles over 50 cubic yards shall have two sediment fences surrounding the pile. The fences shall be placed a minimum of 50 feet apart provided both may fit within the property boundaries. An entrance area for vehicle entrance is allowed provided the opening is secured with fencing when not actively having materials placed/removed.
9. No permanent or temporary road may be constructed within the Geologic Hazard or Significant Environmental Concern overlays on the Water Filtration Site without first obtaining permit(s) or demonstrating it is an exempt activity. [MCC 39.5075, MCC 39.5510]
10. Any vehicle entrance onto SE Carpenter Lane shall have a gravel construction entrance or be paved. In addition, a vehicle wheel wash shall be placed immediately adjacent to the roadway for tire cleaning prior to vehicles exiting the site. [MCC 39.6225(B)(23)]
11. No visible or measurable erosion or sediment shall exit the site, enter the public right-of-way or be deposited into any waterbody or storm drainage system. If earth materials exit the site via vehicles or otherwise, the applicant or their representative shall immediately remedy the situation and institute additional measures to prevent re-occurrence. [MCC 39.6225(B)(18)]
12. Prior to any earth materials being removed/transferred via haul truck from the Water Filtration Facility site to be disposed of off-site, the applicant or their representative shall provide the location of where the spoils are to be placed and provide documentation that the necessary authorizations for the disposal site(s) have been obtained if the location is under Multnomah County's jurisdiction. No spoils shall be deposited on a property that has not obtained all necessary authorizations within the County's jurisdiction. [MCC 39.6225(B)(19), (B)(20) & MCC 39.6210(A), (C) & (D)]
13. No more than 4,999 cubic yards of earth materials shall be imported to the Water Filtration Facility site. [MCC 39.6210(A)]
14. The Stormwater Drainage Control systems on the Water Filtration Facility when completed shall ensure that the rate of runoff for the 10-year 24-hour storm event is no greater than that which existed prior to development at each individual property line or point of discharge into a water body. [MCC 39.6235(D)]
15. The property owner(s), their agent(s), or their representative(s) shall be limited to the following ground disturbing activities:
 - a. A maximum of 3,615,480 sq. ft., or 83 acres of ground surface area is to be disturbed as described in and shown in Exhibit A.18. [MCC 39.6225(A)(2) and MCC 39.6225(B)]
 - b. A maximum of 960,000 to 1,152,000 cubic yards of earth materials is allowed to be cut as described in and shown in Exhibit A.18. This has a contingency factor of 20 percent built in for unknown site conditions. [MCC 39.6225(A)(2) and MCC 39.6225(B)]
 - c. No more than 4,999 cubic yards of non-structural fill materials are allowed to be imported to the site, whether temporarily or permanently on the subject site. [MCC 39.6225(A)(3) and MCC 39.6225(B)]
 - d. No more than 1,030,800 cubic yards of earth materials may be removed/hailed off of the Water Filtration Facility site (Exhibit A.18).
 - e. Pursuant to applicant's statement for MCC 39.6225(B)(21), no ground disturbing activities shall take place within a natural water body. A **"Water Body"** is defined as **"Any surface or ground water, or wetland of the state or the United States, including but not limited to, rivers, streams, creeks, sloughs, drainageways, swales, seeps, springs,**

watercourses, canals, drainages, ponds, lakes, bays, aquifers, coastal waters, impounding reservoirs, estuaries, marshes, and inlets, regardless of whether perennial, intermittent, ephemeral, or otherwise, and regardless of whether natural or human-made.” [MCC 39.6225(B)(21)]

16. The property owner(s), their agent(s), or their representative(s) shall:

- a. Maintain best erosion and sediment control practices through all phases of development. Erosion and sediment control measures are to include the installation of sediment fences/barriers at the toe of all disturbed areas and post construction re-establishment of ground cover. Straw mulch, erosion blankets, or 6-mil plastic sheeting shall be used as a wet weather measure to provide erosion protection for exposed soils. All erosion and sediment control measures are to be implemented using Best Management Practices (BMP). [MCC 39.6225(B)(10) through (15), and MCC 39.6225(B)(17) through (19)]
- b. Remove any sedimentation caused by development activities from all neighboring surfaces and/or drainage systems. If any features within adjacent public right-of-way are disturbed, the applicant or their representative(s) shall be responsible for returning such features to their original condition or a condition of equal quality. [MCC 39.6210(E)(1) and (2)]
- c. Use haul trucks that are constructed, loaded, covered, or otherwise managed to prevent any of their load from dropping, sifting, leaking, or otherwise escaping from the vehicle. No earth materials shall be tracked or discharged in any manner onto any public right-of-way. [MCC 39.6225(B)(23)]

17. This permit does not authorize on-site disposal of non-erosion pollution including construction debris, hazardous or toxic materials, synthetics (i.e. tires), petroleum-based materials, or other solid wastes that may cause adverse leachates or other off-site water quality effects. Non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities. Any non-erosion pollution or spoil materials removed from the site shall be disposed at an off-site location approved for the disposal of such material by applicable Federal, State, and local authorities. [MCC 39.6225(B)(20)]

18. The County may require the described erosion and sediment control techniques be supplemented if turbidity or other down slope erosion or sedimentation impacts result from on-site ground disturbing activity. The local Soil and Water Conservation District, City of Gresham Building or the U.S. Soil Conservation Service can also advise or recommend measures to respond to unanticipated erosion or sedimentation effects. [MCC 39.6210(F)(2)]

Follow up requirements after ground disturbance activity are completed:

19. The property owner(s), their agent(s), or their representative(s) shall gravel the appropriate areas or seed with native grasses all disturbed with exposed ground areas within five (5) days of the date ground disturbing activities conclude. [MCC 39.6225(B)(12)]
 - a. Upon completion of the installation of permanent vegetation and/or gravel, photographs shall be sent to **LUP-submittals@multco.us** to demonstrate that ground disturbing activities have been completed and the site is being revegetated or has been graveled. In your email, reference the case no. #T3-2022-16220 & T1-2023-16571 in the subject line. [MCC 39.6210(F)(2) and MCC 39.6225(B)]

20. Schedule an Erosion and Sediment Control (ESC) inspection. A link to self-schedule an ESC inspection will be sent to you via email following the completion of your Zoning Plan Review. When scheduling online, please document the site of the inspection (Site Address) in the comments section of the requested appointment. The County's inspector will visit the project site to verify that Best Management Practices are occurring. An additional Inspection fee may be collected prior to the inspection [MCC 39.6210(F)(2) and MCC 39.6225(B)]

INTERTIE SITE

1. Prior to commencement of any ground disturbing activities, placement of materials or construction on the Ekstrom's property, the City of Portland shall provide written documentation that the necessary easements for the property have been obtained or that the property owners have granted approval for the work to commence on the property. [MCC 39.1115]

When you are ready to start the ground disturbing activity for the development authorized by land use case #T3-2022-16220 for the construction of the Intertie Site:

2. **Within seven (7) days prior to commencement of construction** at the Intertie Site, the applicant or their representative shall send an email to **LUP-submittals@multco.us**, stating the date that the development will commence on the Intertie site. The email shall include the land use case #T3-2022-16220 and this ESC permit #T1-2023-16571 along with the case planner Lisa Estrin's name.
3. **Install erosion and sediment control measures** consistent with the approved erosion and sediment control plans (Exhibit A.12) and these conditions of approval. These measures shall remain in place and in good working order. Such measures shall be maintained until construction is complete. [MCC 39.6225(B)(12) through (15) and MCC 39.6225(B)(18)]
4. **Post the Erosion and Sediment Control Permit Notice Card.** The permit notice card shall be posted at the driveway entrance in a clearly visible location and remain posted until the ground disturbing activity is complete. If the notice card is lost, destroyed, or otherwise removed prior to completion of the ground disturbing activity, the applicant shall immediately contact **LUP-submittals@multco.us** to obtain a replacement immediately. [MCC 39.6210(F)(2) and MCC 39.6225(B)]
5. **Schedule an Erosion and Sediment Control (ESC) inspection.** A link to self-schedule an ESC inspection will be sent to you via email. When scheduling online, please document the site of the inspection (Site Address) in the comments section of the requested appointment. The County's inspector will visit the project site to verify that Best Management Practices are occurring. [MCC 39.6210(F)(2) and MCC 39.6225(B)]

Permit limitations and requirements after ground disturbing activity for the development are authorized:

6. The property owner(s), their agent(s), or their representative(s) shall be limited to the following ground disturbing activities:
 - a. A maximum of 36,269 square feet of ground surface area is to be disturbed as described in and shown in Exhibit A.12. [MCC 39.6225(A)(2) and MCC 39.6225(B)]
 - b. A maximum of 5,099 cubic yards of earth materials is allowed to be cut (excavated) as described in and shown in Exhibit A.12. [MCC 39.6225(A)(2) and MCC 39.6225(B)]
 - c. No non-structural fill materials are allowed to be imported to the site, whether temporarily or permanently as described in Exhibit A.11 on the subject site. [MCC 39.6225(A)(3) and MCC 39.6225(B)]

7. The property owner(s), their agent(s), or their representative(s) shall:
- Prior to any earth materials being removed/transferred via haul truck from the Intertie site to be disposed of off-site, the applicant or their representative shall provide the location of where the spoils are to be placed and provide documentation that the necessary authorizations for the disposal site(s) have been obtained if the location is under Multnomah County's jurisdiction. No spoils shall be deposited on a property that has not obtained all necessary authorizations within the County's jurisdiction. [MCC 39.6225(B)(19), (B)(20) & MCC 39.6210(A), (C) & (D)]
 - Maintain best erosion and sediment control practices through all phases of development. Erosion and sediment control measures are to include the installation of sediment fences/barriers at the toe of all disturbed areas and post construction re-establishment of ground cover. Straw mulch, erosion blankets, or 6-mil plastic sheeting shall be used as a wet weather measure to provide erosion protection for exposed soils. All erosion and sediment control measures are to be implemented using Best Management Practices (BMP). [MCC 39.6225(B)(10) through (15), and MCC 39.6225(B)(17) through (19)]
 - Remove any sedimentation caused by development activities from all neighboring surfaces and/or drainage systems. If any features within adjacent public right-of-way are disturbed, the property owner shall be responsible for returning such features to their original condition or a condition of equal quality. [MCC 39.6210(E)(1) and (2)]
 - Use haul trucks that are constructed, loaded, covered, or otherwise managed to prevent any of their load from dropping, sifting, leaking, or otherwise escaping from the vehicle. No earth materials shall be tracked or discharged in any manner onto any public right-of-way. [MCC 39.6210(B)(23)]
 - Seed and mulch all disturbed soils to prevent erosion and sedimentation exiting the site, entering the public right-of-way, or depositing into any storm drainage system. Monitor daily to ensure vegetation is sprouting and that no erosion or sedimentation is occurring. Monitoring may cease when vegetation on the disturbed soils have stabilized the disturbed soils. [MCC 39.6225(B)(10), (B)(12), (B)(15), (B)(18), and (B)(19)]
8. This permit does not authorize on-site disposal of non-erosion pollution including construction debris, hazardous or toxic materials, synthetics (i.e. tires), petroleum-based materials, or other solid wastes that may cause adverse leachates or other off-site water quality effects. Non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities. Any non-erosion pollution or spoil materials removed from the site shall be disposed at an off-site location approved for the disposal of such material by applicable Federal, State, and local authorities. [MCC 39.6225(B)(20)]
9. The County may require the described erosion and sediment control techniques be supplemented if turbidity or other down slope erosion impacts results from on-site ground disturbing activity. The local Soil and Water Conservation District, City of Gresham Building or the U.S. Soil Conservation Service can also advise or recommend measures to respond to unanticipated erosion or sedimentation effects. [MCC 39.6210(F)(2)]

Follow up requirements after ground disturbance activity are completed:

10. The property owner(s), their agent(s), or their representative(s) shall gravel approved areas or seed with native grasses all disturbed exposed ground areas within five (5) days of the date ground disturbing activities conclude. [MCC 39.6225(B)(12)]
 - a. Upon completion of the installation of permanent vegetation and/or gravel, photographs shall be sent to **LUP-submittals@multco.us** to demonstrate that ground disturbing activities have been completed and the site is being revegetated or has been graveled. In your email, reference the case no. #T3-2022-16220 and T1-2023-16571 in the subject line. [MCC 39.6210(F)(2) and MCC 39.6225(B)]
11. Schedule an Erosion and Sediment Control (ESC) inspection. A link to self-schedule an ESC inspection will be sent to you via email following the completion of your Zoning Plan Review. When scheduling online, please document the site of the inspection (Site Address) in the comments section of the requested appointment. The County's inspector will visit the project site to verify that Best Management Practices are occurring. An additional Inspection fee may be collected prior to the inspection. [MCC 39.6210(F)(2) and MCC 39.6225(B)]

PIPELINES IN PUBLIC RIGHT-OF-WAYS

Prior to starting the ground disturbance activity for the development:

1. Obtain all necessary permits from the Multnomah County Transportation Division for the construction and ground disturbance within the public rights-of-ways.

When you are ready to start the ground disturbing activity for the development authorized by land use case #T3-2022-16220 for the installation of the Finished Water Pipelines:

2. **Install erosion and sediment control measures** consistent with the approved erosion and sediment control plan. Flag, fence, or otherwise mark the project area as described in the Plans (Exhibit A.12). These measures shall remain in place and in good working order. Such flagging, fencing, and/or markings shall be maintained until construction is complete. [MCC 39.6225(B)(12), through (15) and MCC 39.6225(B)(18)]
3. **Post the Erosion and Sediment Control Permit Notice Card.** The permit notice card shall be posted at the active work area in a clearly visible location and remain posted until the ground disturbing activity is complete. If the notice card is lost, destroyed, or otherwise removed prior to completion of the ground disturbing activity, the applicant shall immediately contact **LUP-submittals@multco.us** to obtain a replacement immediately. [MCC 39.6210(F)(2) and MCC 39.6225(B)]

Permit limitations and requirements after ground disturbing activity for the development are authorized:

4. The property owner(s), their agent(s), or their representative(s) shall be limited to the following ground disturbing activities:
 - a. A maximum of 741,813 square feet of ground surface area is to be disturbed as described in and shown in Exhibit A.12, ESC-005. [MCC 39.6225(A)(2) and MCC 39.6225(B)]
 - b. A maximum of 94,065 cubic yards of earth materials is allowed to be cut as described in and shown in Exhibit A.12, ESC-005. [MCC 39.6225(A)(2) and MCC 39.6225(B)]
5. The property owner(s), their agent(s), or their representative(s) shall:
 - a. Maintain best erosion and sediment control practices through all phases of development. Erosion and sediment control measures are to include the installation of sediment fences/barriers at the toe of all disturbed areas and post construction re-establishment of

ground cover. Straw mulch, erosion blankets, or 6-mil plastic sheeting shall be used as a wet weather measure to provide erosion protection for exposed soils. All erosion and sediment control measures are to be implemented using Best Management Practices (BMP). [MCC 39.6225(B)(10) through (15), and MCC 39.6225(B)(17) through (19)]

- b. Remove any sedimentation caused by development activities from all neighboring surfaces and/or drainage systems. If any features within adjacent private properties are disturbed, the applicant or their representative(s) shall be responsible for returning such features to their original condition or a condition of equal quality. [MCC 39.6210(E)(1) and (2)]
 - c. Use haul trucks that are constructed, loaded, covered, or otherwise managed to prevent any of their load from dropping, sifting, leaking, or otherwise escaping from the vehicle. No earth materials shall be tracked or discharged in any manner onto any public right-of-way. [MCC 39.6210(B)(23)]
 - d. If an area has been disturbed and is not in the active construction zone, the disturbed area shall be seed and mulched to prevent erosion and sedimentation exiting the public right-of-way, or depositing into any storm drainage system. Monitor daily to ensure vegetation is sprouting and that no erosion or sedimentation is occurring. Monitoring may cease when vegetation on the disturbed soils have stabilized the disturbed soils. [MCC 39.6225(B)(10), (B)(12), (B)(15), (B)(18), and (B)(19)]
6. No spoils or earth materials shall be deposited on a property that has not obtained all necessary authorizations within Multnomah County's jurisdiction.
7. This permit does not authorize on-site disposal of non-erosion pollution including construction debris, hazardous or toxic materials, synthetics (i.e. tires), petroleum-based materials, or other solid wastes that may cause adverse leachates or other off-site water quality effects. Non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities. Any non-erosion pollution or spoil materials removed from the site shall be disposed at an off-site location approved for the disposal of such material by applicable Federal, State, and local authorities. [MCC 39.6225(B)(20)]
8. The County may require the described erosion or sediment control techniques be supplemented if turbidity or other off-site erosion or sedimentation impacts results from ground disturbing activities. The local Soil and Water Conservation District, City of Gresham Building, Transportation Division or the U.S. Soil Conservation Service can also advise or recommend measures to respond to unanticipated erosion effects. [MCC 39.6210(F)(2)]
9. Prior to the replacement of the culvert for the North Fork of Beaver Creek, a Flood Development Permit shall be obtained from the Multnomah County Land Use Planning Division. [MCC 39.5015]
10. Follow up requirements after ground disturbance activity are completed:
11. The property owner(s), their agent(s), or their representative(s) shall gravel approved areas or seed with native grasses all disturbed with exposed ground areas within five (5) days of the date ground disturbing activities conclude. [MCC 39.6225(B)(12)]
 - a. Upon completion of the installation of permanent vegetation and/or gravel, photographs shall be sent to **LUP-submittals@multco.us** to demonstrate that ground disturbing activities have been completed and the site is being revegetated or has been graveled. In

your email, reference the case no. #T3-2022-16220 and T1-2023-16571 in the subject line.
[MCC 39.6210(F)(2) and MCC 39.6225(B)]

PIPELINES ON PRIVATE PROPERTY

1. Prior to commencement of any ground disturbing activities, placement of materials or construction on the Ekstrom's property, the City of Portland shall provide written documentation that the necessary easements for the property have been obtained or that the property owners have granted approval for the work to commence on the property. [MCC 39.1115]

When you are ready to start the ground disturbing activity for the development authorized by land use case #T3-2022-16220 for the pipeline work on private properties:

2. **Install erosion and sediment control measures** consistent with the approved erosion and sediment control plan. Flag, fence, or otherwise mark the project area as described in the Site Plan (Exhibit A.12). These measures shall remain in place and in good working order. Such flagging, fencing, and/or markings shall be maintained until construction is complete. [MCC 39.6225(B)(12), through (15) and MCC 39.6225(B)(18)]
3. **Schedule an Erosion and Sediment Control (ESC) inspection.** A link to self-schedule an ESC inspection will be sent to you via email following the completion of your Zoning Plan Review. When scheduling online, please document the site of the inspection (Site Address) in the comments section of the requested appointment. The County's inspector will visit the project site to verify that Best Management Practices are occurring. [MCC 39.6210(F)(2) and MCC 39.6225(B)]
4. **Post the Erosion and Sediment Control Permit Notice Card.** The permit notice card shall be posted at the driveway entrance in a clearly visible location and remain posted until the ground disturbing activity is complete. If the notice card is lost, destroyed, or otherwise removed prior to completion of the ground disturbing activity, the applicant shall immediately contact **LUP-submittals@multco.us** to obtain a replacement immediately. [MCC 39.6210(F)(2) and MCC 39.6225(B)]
5. **Within seven (7) days prior to commencement of construction** at the Intertie Site, the applicant or their representative shall send an email to **LUP-submittals@multco.us**, stating the date that the development will commence on the Intertie site. The email shall include the land use case #T3-2022-16220 and this ESC permit #T1-2023-16571 along with the case planner Lisa Estrin's name.

Permit limitations and requirements after ground disturbing activity for the development are authorized:

6. No above ground storage of materials or development is permitted on 36322 SE Dodge Park Blvd other than the monitoring points for the raw water tunnel installation. [MCC 39.5075]
7. The proposed replacement septic system for 35227 SE Carpenter Lane shall not be installed until such time as the Sanitarian determines the area to be suitable and all necessary permits are obtained. [MCC 39.4325(G) & MCC 39.4305]
8. The property owner(s), their agent(s), or their representative(s) shall be limited to the following ground disturbing activities for the Finished Water Pipeline installation on the Ekstrom (R342513) property:
 - a. A maximum of 240,375 square feet of ground surface area is to be disturbed as described in and shown in Exhibit A.12, ESC-005. [MCC 39.6225(A)(2) and MCC 39.6225(B)]

- b. A maximum of 30,426 cubic yards of earth materials is allowed to be cut as described in and shown in Exhibit A.12, ESC-005. [MCC 39.6225(A)(2) and MCC 39.6225(B)]
 - c. No non-structural fill is allowed to be deposited as described in and shown in Exhibit A.12, ESC-005 on the subject site. [MCC 39.6225(A)(3) and MCC 39.6225(B)]
 - d. No ground disturbance or fill materials shall be placed on the Schoepper (R611111) property.
9. The property owner(s), their agent(s), or their representative(s) shall be limited to the following ground disturbing activities for the Raw Water Pipeline installation:
- a. A maximum of 145,633 square feet of ground surface area is to be disturbed as described in and shown in Exhibit A.12, ESC-005. [MCC 39.6225(A)(2) and MCC 39.6225(B)]
 - b. A maximum of 30,426 cubic yards of earth materials is allowed to be cut as described in and shown in Exhibit A.12, ESC-005. [MCC 39.6225(A)(2) and MCC 39.6225(B)]
 - c. No non-structural fill is allowed to be deposited as described in and shown in Exhibit A.12, ESC-005 on the subject site. [MCC 39.6225(A)(3) and MCC 39.6225(B)]
10. The property owner(s), their agent(s), or their representative(s) shall:
- a. Maintain best erosion and sediment control practices through all phases of development. Erosion and sediment control measures are to include the installation of sediment fences/barriers at the toe of all disturbed areas and post construction re-establishment of ground cover. Straw mulch, erosion blankets, or 6-mil plastic sheeting shall be used as a wet weather measure to provide erosion protection for exposed soils. All erosion and sediment control measures are to be implemented using Best Management Practices (BMP). [MCC 39.6225(B)(10) through (15), and MCC 39.6225(B)(17) through (19)]
 - b. Remove any sedimentation caused by development activities from all neighboring surfaces and/or drainage systems. If any features within adjacent public right-of-way are disturbed, the applicant or their representative(s) shall be responsible for returning such features to their original condition or a condition of equal quality. [MCC 39.6210(E)(1) and (2)]
 - c. Use haul trucks that are constructed, loaded, covered, or otherwise managed to prevent any of their load from dropping, sifting, leaking, or otherwise escaping from the vehicle. No earth materials shall be tracked or discharged in any manner onto any public right-of-way. [MCC 39.6210(B)(23)]
 - d. Seed and mulch all disturbed soils to prevent erosion and sedimentation from exiting the site, entering the public right-of-way, or depositing into any storm drainage system. Monitor daily to ensure vegetation is sprouting and that no erosion or sedimentation is occurring. Monitoring may cease when vegetation on the disturbed soils have stabilized the disturbed soils. [MCC 39.6225(B)(10), (B)(12), (B)(15), (B)(18), and (B)(19)]
11. This permit does not authorize on-site disposal of non-erosion pollution including construction debris, hazardous or toxic materials, synthetics (i.e. tires), petroleum-based materials, or other solid wastes that may cause adverse leachates or other off-site water quality effects. Non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities. Any non-erosion pollution or spoil materials removed from the site shall be disposed at an off-site location

approved for the disposal of such material by applicable Federal, State, and local authorities.
[MCC 39.6225(B)(20)]

12. The County may require the described erosion and sediment control techniques be supplemented if turbidity or other down slope erosion or sedimentation impacts results from on-site ground disturbing activity. The local Soil and Water Conservation District, Transportation Division, City of Gresham Building or the U.S. Soil Conservation Service can also advise or recommend measures to respond to unanticipated erosion effects. [MCC 39.6210(F)(2)]
13. No spoils or earth materials shall be deposited on a property that has not obtained all necessary authorizations within Multnomah County's jurisdiction.

Follow up requirements after ground disturbance activity are completed:

14. The gravel for the temporary construction entrance and accessway on 35227 SE Carpenter Lane (R342606) shall be removed from the site upon completion of all on-site work associated with the installation of the finished water pipeline. [MCC 39.4305]
15. The property owner(s), their agent(s), or their representative(s) shall gravel or seed with native grasses all disturbed with exposed ground areas within five (5) days of the date ground disturbing activities conclude. [MCC 39.6225(B)(12)]
 - a. Upon completion of the installation of permanent vegetation and/or gravel, photographs shall be sent to **LUP-submittals@multco.us** to demonstrate that ground disturbing activities have been completed and the site is being revegetated or has been graveled. In your email, reference the case no. #T3-2022-16220 and this ESC permit #T1-2023-16571 along with the case planner Lisa Estrin's name. [MCC 39.6210(F)(2) and MCC 39.6225(B)]
16. Schedule an Erosion and Sediment Control (ESC) inspection. A link to self-schedule an ESC inspection will be sent to you via email following the completion of your Zoning Plan Review. When scheduling online, please document the site of the inspection (Site Address) in the comments section of the requested appointment. The County's inspector will visit the project site to verify that Best Management Practices are occurring. An additional Inspection fee may be collected prior to the inspection. [MCC 39.6210(F)(2) and MCC 39.6225(B)]

**SE CARPENTER LANE, SE COTTRELL RD SOUTH OF DODGE PARK BLVD,
INTERSECTION OF COTTRELL RD & SE DODGE PARK BLVD**

Prior to starting the ground disturbance activity for the development:

1. Obtain all necessary permits from Transportation Division for the construction and ground disturbance within the public rights-of-ways.

When you are ready to start the ground disturbing activity for the development authorized by land use case #T3-2022-16220 for the road improvements leading to the Water Filtration Facility:

2. **Within seven (7) days prior to commencement of construction** for the widening of SE Carpenter Lane and adjacent roadways, the applicant or their representative shall send an email to **LUP-submittals@multco.us**, stating the date that the development will commence in the public right-of-way. The email shall include the land use case #T3-2022-16220 and this ESC permit #T1-2023-16571 along with the case planner Lisa Estrin's name.
3. **Install erosion and sediment control measures** consistent with the approved erosion and sediment control plan (Exhibit A.3). Flag, fence, or otherwise mark the project area as described in the Plans. These measures shall remain in place and in good working order. Such flagging,

fencing, and/or markings shall be maintained until construction is complete. [MCC 39.6225(B)(12), through (15) and MCC 39.6225(B)(18)]

4. **Post the Erosion and Sediment Control Permit Notice Card.** The permit notice card shall be posted at the active work area in a clearly visible location and remain posted until the ground disturbing activity is complete. If the notice card is lost, destroyed, or otherwise removed prior to completion of the ground disturbing activity, the applicant shall immediately contact **LUP-submittals@multco.us** to obtain a replacement immediately. [MCC 39.6210(F)(2) and MCC 39.6225(B)]

Permit limitations and requirements after ground disturbing activity for the development are authorized:

5. The property owner(s), their agent(s), or their representative(s) shall:
 - a. Maintain best erosion and sediment control practices through all phases of development. Erosion and sediment control measures are to include the installation of sediment fences/barriers at the toe of all disturbed areas and post construction re-establishment of ground cover. Straw mulch, erosion blankets, or 6-mil plastic sheeting shall be used as a wet weather measure to provide erosion protection for exposed soils. All erosion and sediment control measures are to be implemented using Best Management Practices (BMP). [MCC 39.6225(B)(10) through (15), and MCC 39.6225(B)(17) through (19)]
 - b. Remove any sedimentation caused by development activities from all neighboring surfaces and/or drainage systems. If any features within adjacent properties are disturbed, the applicant or their representative(s) shall be responsible for returning such features to their original condition or a condition of equal quality. [MCC 39.6210(E)(1) and (2)]
 - c. Use haul trucks that are constructed, loaded, covered, or otherwise managed to prevent any of their load from dropping, sifting, leaking, or otherwise escaping from the vehicle. No earth materials shall be tracked or discharged in any manner onto any public right-of-way. [MCC 39.6210(B)(23)]
 - d. If an area has been disturbed and is not in the active construction zone, the disturbed area shall be seed and mulched to prevent erosion and sedimentation exiting the public right-of-way, or depositing into any storm drainage system. Monitor daily to ensure vegetation is sprouting and that no erosion or sedimentation is occurring. Monitoring may cease when vegetation on the disturbed soils have stabilized the disturbed soils. [MCC 39.6225(B)(10), (B)(12), (B)(15), (B)(18), and (B)(19)]
6. This permit does not authorize on-site disposal of non-erosion pollution including construction debris, hazardous or toxic materials, synthetics (i.e. tires), petroleum-based materials, or other solid wastes that may cause adverse leachates or other off-site water quality effects. Non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities. Any non-erosion pollution or spoil materials removed from the site shall be disposed at an off-site location approved for the disposal of such material by applicable Federal, State, and local authorities. [MCC 39.6225(B)(20)]
7. The County may require the described erosion and sediment control techniques be supplemented if turbidity or other off-site erosion or sedimentation impacts results from ground disturbing activities. The local Soil and Water Conservation District, City of Gresham Building,

Transportation Division or the U.S. Soil Conservation Service can also advise or recommend measures to respond to unanticipated erosion effects. [MCC 39.6210(F)(2)]

Follow up requirements after ground disturbance activity are completed:

8. The property owner(s), their agent(s), or their representative(s) shall gravel approved areas or seed with native grasses all disturbed with exposed ground areas within five (5) days of the date ground disturbing activities conclude. [MCC 39.6225(B)(12)]
 - a. Upon completion of the installation of permanent vegetation and/or gravel, photographs shall be sent to **LUP-submittals@multco.us** to demonstrate that ground disturbing activities have been completed and the site is being revegetated or has been graveled. In your email, reference the case no. #T3-2022-16220 and T1-2023-16571 in the subject line. [MCC 39.6210(F)(2) and MCC 39.6225(B)]

Exhibits:

‘A’ Applicant’s Exhibits

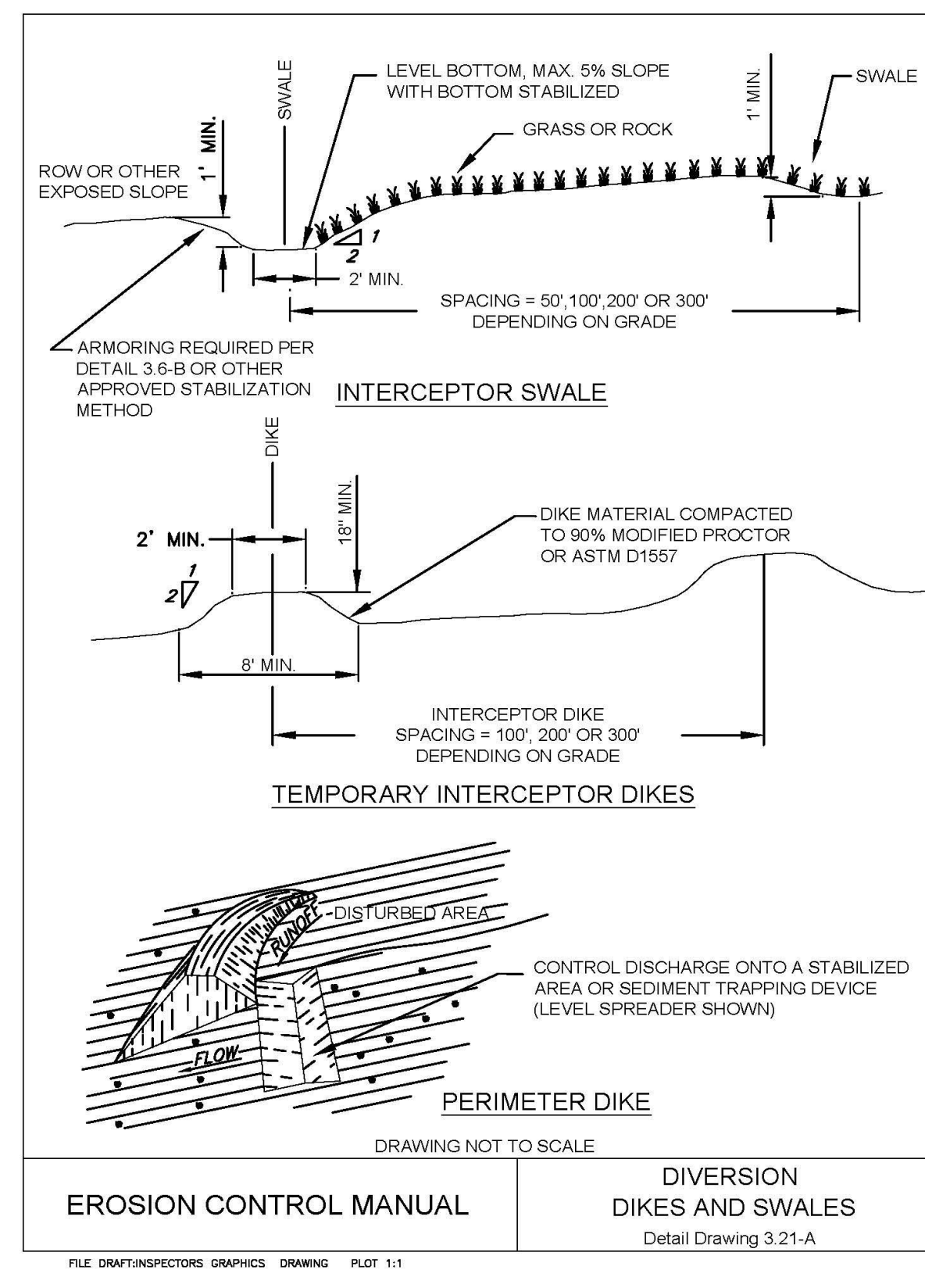
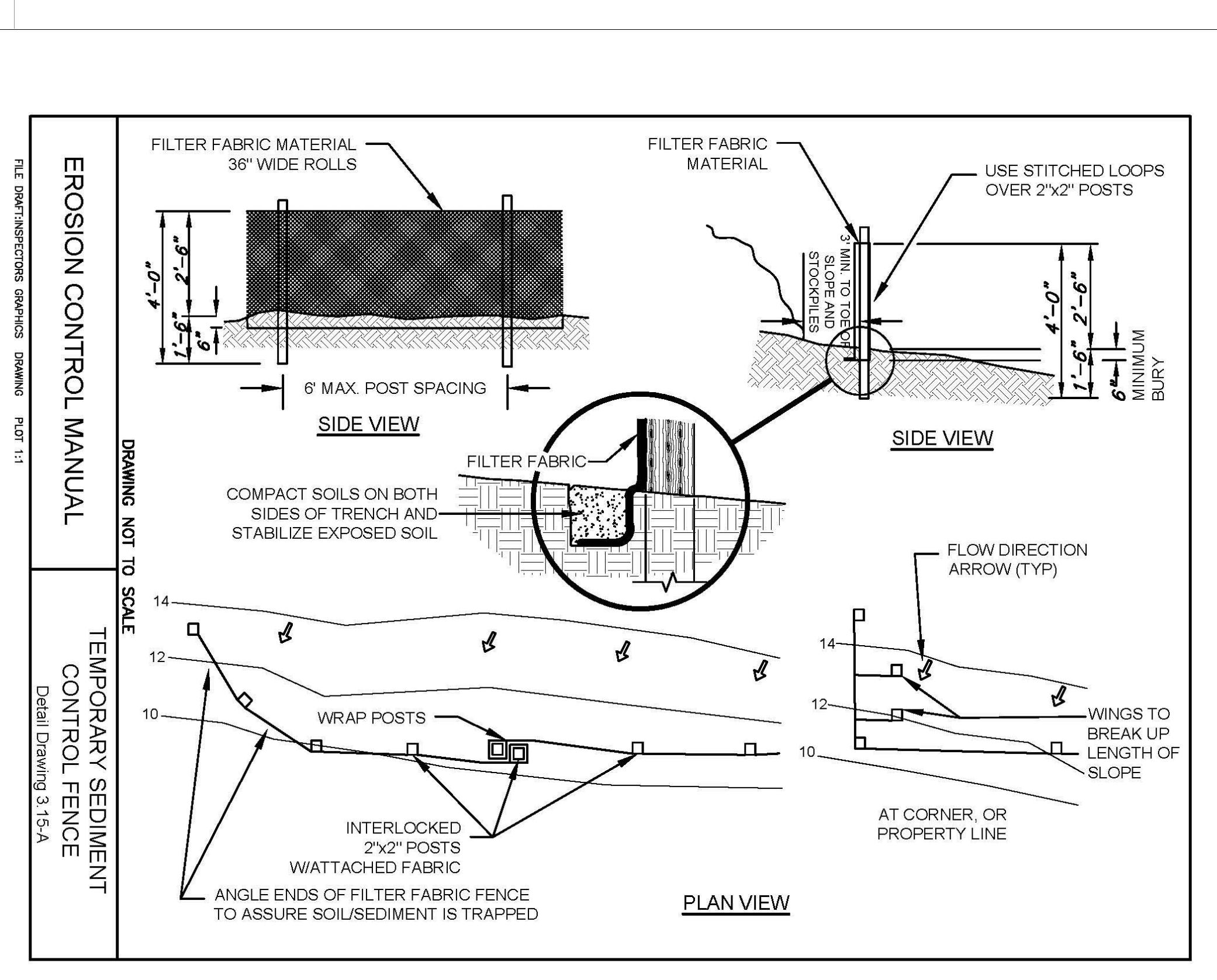
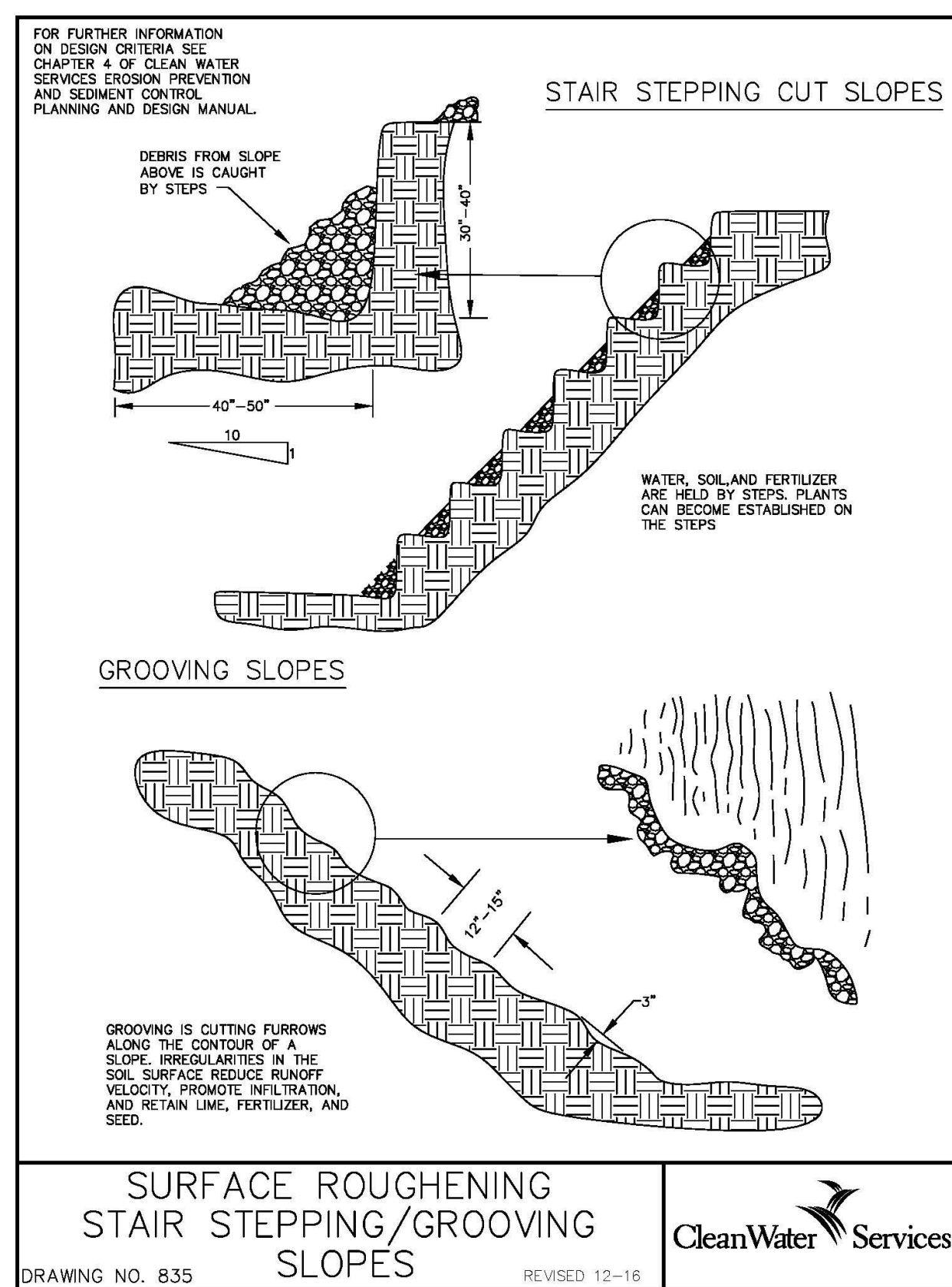
All exhibits are available for review on the County’s website at www.multco.us/landuse/portland-water-bureau-filtration-and-pipelines-project.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	Application Form	1/25/2023
Water Filtration Facility Site			
A.2	14	Filtration Facility Narrative	1/24/24
A.3	18	Erosion and Sediment Control Drawing – Filtration Facility specifically pages 00-LU-504, 00-LU-505 ¹ , 00-LU-506, 00-LU-507, 00-LU-508, 00-LU-509 - 00-LU-514	1/24/24
A.4	3	Technical Memorandum Stability of Permanent Steep Slopes Water Filtration Facility Site	1/24/24
A.5	544	Stormwater Drainage Report dated January 15, 2024	1/24/24
A.6	2	Executive Summary, Filtration Facility Geotechnical Engineering Report	1/24/24
A.7	1	Revised 00-LU-505	4/05/24
A.8	5	Revised ESC Staging Plans	5/08/24
A.9	2	Staging Narrative	4/11/24
A.18	1	Revised 00-LU-501	5/21/24
SE Carpenter Ln, SE Cottrell south of Dodge Park, Intersection of SE Cottrell Rd & Dodge Park Road Widening			
A.2	14	Filtration Facility Narrative	1/24/24

¹ See Exhibit A.7 for the Revised 00-LU-505 sheet.

A.3	18	Erosion and Sediment Control Drawing – Filtration Facility, specifically pages 00-LU-502, 00-LU-503	1/24/24
A.10	117	Pipelines Stormwater Report	1/24/24
A.17	2	Revised 00-LU-502 & 00-LU-503	5/14/24
Intertie Site			
A.11	17	Pipelines ESC Narrative	1/24/24
A.12	68	Pipeline Drawings Erosion Control specifically pages ESC-004, ESC-005, ESC-201, ESC-202, ESC-203, FWP-CE-1001, FWP-CE-1002, FWP-CE-1003, FWP-CE-1004, FWP-CE-1007, FWP-CE-1019	5/21/24
A.13	61	Stormwater Drainage Control Report	1/24/24
Pipelines in Public Rights-of-Ways			
A.11	17	Pipelines ESC Narrative	1/24/24
A.12	68	Pipeline Drawings Erosion Control specifically pages ESC-004, ESC-005, ESC-201, ESC-202, ESC-203, FWP-CE-1001, FWP-CE-1002, FWP-CE-1003, FWP-CE-1004, FWP-CE-1005, FWP-CE-1007, FWP-CE-1008, FWP-CE-1009, FWP-CE-1010, FWP-CE-1011, FWP-CE-1012, FWP-CE-1013, FWP-CE-1014, FWP-CE-1015, FWP-CE-1016, FWP-CE-1017, FWP-CE-1019, FWP-CE-1020, FWP-CE-1021, FWP-CE-1022, FWP-CE-1023, FWP-CE-1024, FWP-CE-1025, FWP-CE-1026, FWP-CE-1027, FWP-CE-1028, FWP-CE-1029, FWP-CE-1030, FWP-CE-1031, FWP-CE-1033, FWP-CE-1034, FWP-CE-1035, FWP-CE-1036, FWP-CE-1037, FWP-CE-1038	5/21/24
A.14	117	Pipelines Stormwater Report	1/24/24
A.15	1	Geotechnical Engineering Slope Review (G1) dated April 25, 2023	1/24/24
A.16	2	Finished Pipelines Geotechnical Assessment	1/24/24
Pipeline Work on Private Property			
A.11	17	Pipelines ESC Narrative	1/24/24

A.12	68	<p>Finished Water Pipelines Drawings Erosion Control specifically pages ESC-004, ESC-005, ESC-201, ESC-202, ESC-203, FWP-CE-1001, FWP-CE-1005, FWP-CE-1006, FWP-CE-1012, FWP-CE-1013, FWP-CE-1017, FWP-CE-1018, FWP-CE-1026, FWP-CE-1027, FWP-CE-1031, FWP-CE-1032, FWP-CE-1038, FWP-CE-1039, FWP-CE-1040, FWP-CE-1041</p> <p>Raw Water Pipeline Drawings Erosion Control specifically pages ESC-004, ESC-005, ESC-201, ESC-202, ESC-203, MUL-CE-1001, MUL-CE-1002, MUL-CE-1003, MUL-CE-1004, RWP-CE-1001, RWP-CE-1002, RWP-CE-1003, RWP-CE-1004, RWP-CE-1005, RWP-CE-1006</p>	5/21/24
A.14	117	Pipelines Stormwater Report	1/24/24
A.19	2	Raw Water Geotechnical Engineering Summary	1/24/24





July 16, 2024

Robert Fraley

**RE: Withdrawal of 2024-WLOTC-6786 and Corrective Action Requirements
Portland Water Bureau Filtration Facility
DEQ PLC Number: 22137
NPDES 1200-CA Construction Stormwater Permit**

On June 14, 2024, the Department of Environmental Quality (DEQ) issued a Warning Letter with Opportunity to Correct (2024-WLOTC-6786) upon receiving photographic evidence of uncovered stockpiles of contaminated soils at the Portland Water Bureau Filtration Facility located at 35319 SE Carpenter Lane, Gresham, OR. DEQ met with City of Portland staff on June 26, 2024, to discuss the enforcement action and to gain a better understanding of current construction activities at the site. During the meeting, DEQ gained a clearer understanding of the scope and scale of the project.

Based upon the review of the project, DEQ has concluded to withdraw the Warning Letter with Opportunity to Correct (2024-WLOTC-6786). However, DEQ has determined that corrective actions are required to achieve compliance with the 1200-CA permit.

Required Corrective Actions

1. Develop and implement a stockpile management plan and include this plan in an ESCP revision uploaded to YourDEQOnline (YDO). The stockpile management plan must include details on the placement and control of all stockpiles within the area of disturbance and at all phases of this project and updated to reflect on-site conditions. Revisions to the location of stockpile area(s) may be necessary to comply with this requirement to include all stockpiles on-site, including temporary stockpiles left after the end of each workday. Include defined methods of stockpile stabilization in this plan and on the BMP diagram sheet. Include the requirements of the Contaminated Media Management Plan and controls of contaminated soils per the 1200-CA Section 6. Include the action plan for determining the stabilization of stockpiles at the end of each workday per the requirement of the 1200-CA Section 13.2.8. Include the requirements of the Multnomah County Erosion and Sediment Control Permit issued for this project which requires that all stockpiles greater than 50 cubic yards be protected by double sediment fence.
2. Move all stockpiles to a designated stockpile area(s) as illustrated in your ESCP site maps. Include site maps for all phases of this project with details on stockpile locations. This is a requirement of the 1200-CA Section 15.3 and 15.4.

3. Stabilize all stockpile per the requirements of the 1200-CA Section 13.2.8.
4. Document the conditions of all stockpiles and BMPs on the required visual monitoring inspections per the requirement of the 1200-CA Schedule B.

Should you have any questions about the content of this letter, contact me in by phone 971-303-4646 or by email at trevor.ureno@deq.oregon.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trevor Ureno', written over a horizontal line.

Trevor Ureno
Water Quality Specialist
Oregon Department of Environmental Quality – Northwest Region

Bull Run Filtration Facility

Permit/PLC #: NGEN12CA-ORRCA0004

Project Location: Adjacent 35319 SE Carpenter Ln, Multnomah County, Oregon 97080

Stockpile Management Plan as of July 2024

The following narrative describes the proposed methods for stockpile management, specifically the prevention of soil erosion and discharges of sediments from stockpile areas during construction of the Bull Run Filtration Facility (project) in Gresham, Oregon. This proposed plan will be included as part of the overall ESCP maintained under the 1200-CA permit and is not intended to negate or replace the approved ESCP BMP's which have been implemented onsite. All stormwater BMPs will be installed in accordance with the DEQ issued 1200-CA Stormwater Permit.

Permanent Stockpile Management

Permanent stockpiles are stockpiles that will be in place for long periods of time, such as six months or longer. The permanent stockpile locations according to the most recent ESCP update are on the east side of the site in the most upland area. The permanent stockpile locations are surrounded by perimeter double sediment fences, at the base of the stockpile and the site's perimeter sediment fence. Permanent stockpiles will be kept in stable condition and managed according to the following procedures:

1. All permanent stockpiles will be kept wetted, hydroseeded, and/or tackified to minimize wind erosion during the dry season.
2. All stockpiles may be hydro-mulched without seed using a bi-directional application of bonded fiber matrix to provide a hydraulically applied matting for coverage.
3. Permanent stockpiles may be seeded prior to fall rains to generate a vegetated covering for the wet season.
4. Permanent structural stockpile material may be covered with plastic sheeting or tarpaulin to prevent erosion and saturation during the wet season.
5. Other BMPs listed in the ESCP may be used to temporarily stabilize portions of the permanent stockpiles.
6. Stockpiles are checked daily as part of ESCP management. Any adjustments needed to manage stockpiles will be made immediately.

Other Soils Management.

Spoils

The project requires a large amount of stripping and cut/fill earthwork and will generate spoils as a result of daily activities. It is anticipated that spoils will be moved to the permanent stockpile location by end of work day. If spoils remain in place at end of a work day they will be stabilized according to approved ESCP methods. Spoils may be in the

vicinity of any stripping, grading, cutting, or trenching activity. Spoils left in place longer than 14 days will be added to the onsite ESCP. Spoils may be managed using the following methods:

1. Compaction: spoils may be bucket compacted and "slicked off" and left for short durations during fair weather periods, such as overnight or over the weekend.
2. Straw Mulching: Straw mulch may be used to control erosion on spoils. Apply loose straw mulch as temporary erosion control via hand or chop straw blower at the rate of approximately 2.5 tons per acre. See Oregon Standard Spec 1030.48(b)(2)a.
3. Hydro-mulching: Hydro-mulch, with or without seed, may be used to control erosion on piles. Apply hydro-mulch with tackifier at the rate of 2,000 lbs./acre where the slope is less than 2:1, or at 3,000 lbs./acre when the slope is more than 2:1. See Oregon standard spec 1030.48(a).
4. Tackifier: Liquid tackifier emulsion may be used as a stand-alone BMP to control erosion on spoils (particularly wind erosion). Dilute tackifier in water at a 30:1 ratio and apply the diluted mixture at the rate of 865 gallons per acre unless the manufacturer recommends a different rate of application. See Oregon standard spec 280.44(b)(2).
5. Perimeter BMPs: Perimeter sediment control BMPs may be installed around the toe of spoils slopes or on the downhill side to contain sediment runoff. The number of BMPs used in concert will depend on the slope of the spoils area and its proximity to waters, inlets, or other sensitive resources. Perimeter controls may be combined with erosion controls shown here to prevent discharges to waters, inlets or sensitive resources.

Berms

The project will generate other soils that are used for berms alongside on-site haul roads as these are required by OSHA safety regulations and best practices. These berms will be stabilized using the management practices described above under other soils management.

Wind rows

In addition, the project will generate soils that will be placed in wind rows. The intent of this practice is to dry out the soils so that it has the required optimal moisture content for use on the site. Because this material is already wet, no additional dust control measures will be implemented, but will be moved to the permanent stockpile once the optimal moisture content is reached. During wet weather, wind rows will not be implemented.

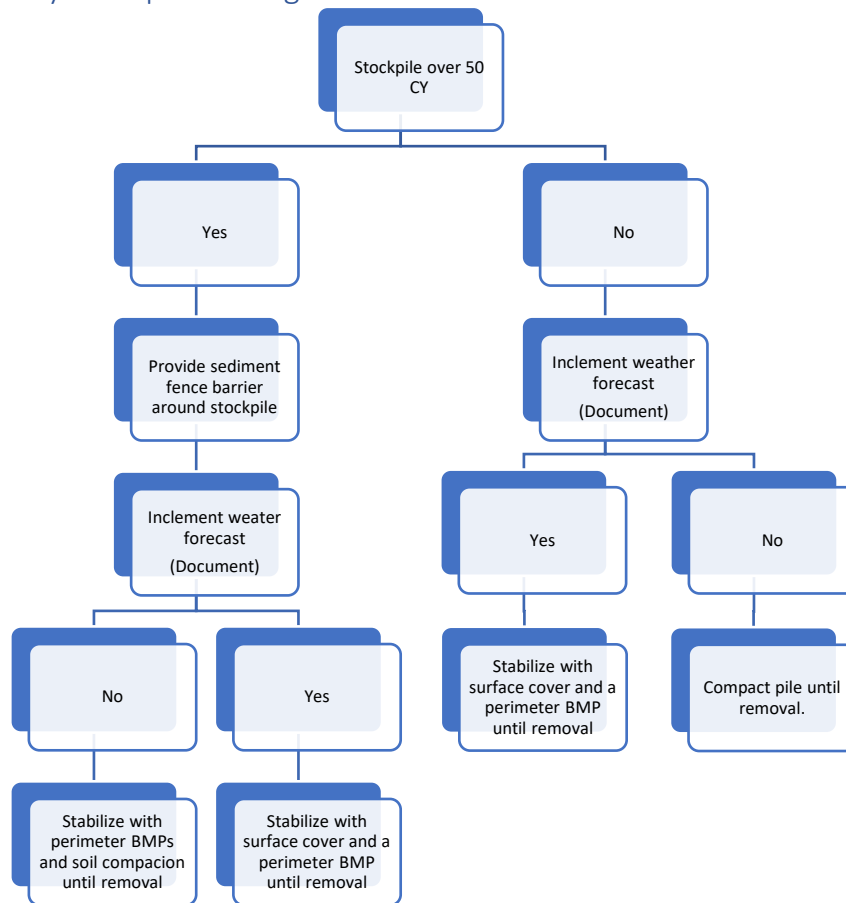
Removal

Stockpiled material may be removed from the site. Soils removed from the site will use haul trucks constructed, loaded, covered, or otherwise managed (e.g. removed in a moist condition) to prevent soils from blowing from the truck during transportation. The recipient of removed stockpile material from the project will assume ownership and responsibility of the material under their own 1200 series Oregon NPDES permit.

Contaminated Material Stockpile Management

According to the Clean Fill Determination Report provided by consultant PBS for the project, the majority of the first 1.5-feet of soil material over most of the site has some level of contamination from historic agricultural pesticide use. As of the date of this plan, the contaminated soil has been stripped, stockpiled, and stabilized with tackifier. For the purposes of stockpiled soils remaining onsite, the management and monitoring of the contaminated material stockpile will follow the BMPs and procedures listed under the permanent stockpile management section.

Daily Temporary Stockpile Management Flow Chart



Daily Inspection Reports

Daily inspections will be performed of all erosion control measures on site with daily reports to document the results of the inspection and corrective measures needed and implemented.

13.2.8. Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil as follows:

- a. Locate the piles outside of any natural buffers established under Section 13.2.1 and away from any stormwater conveyances, drain inlets and areas where stormwater flow is concentrated;
- b. Install a sediment barrier (e.g., berms, dikes, fiber rolls, silt fences, sandbags, gravel bags or straw bale) along all downgradient perimeter areas;
- c. Soil stockpiles must be stabilized or covered at the end of each workday and before weekends, holidays or extended breaks of construction activities if a storm event is forecast that may result in any discharge from the project site or wind speeds (typically 10 mph or greater) capable of soil erosion that may result in fugitive dust;
- d. Provide cover (e.g., tarps, blown straw or hydroseed) or appropriate temporary stabilization consistent with Section 13.2.20) for any piles not in use; and
- e. Hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance, storm drain inlet or water of the state is prohibited.



Oregon

Tina Kotek, Governor

Northwest Region Portland Office/Water Quality

700 NE Multnomah Street, Suite 600

Portland, OR 97232-4100

(503) 229-5263

FAX (503) 229-6957

TTY 711

5/15/2025

Robert Fraley

Portland Water Bureau

RE: Corrective Action Completion Letter (2024-WLOTC-6786 WITHDRAWN)

Portland Water Bureau Filtration Facility

DEQ PLC Number: 22137

NPDES 1200-CA Construction Stormwater Permit for Public Agencies

DEQ has reviewed and approved the corrective action report and stockpile management plan provided on July 16, 2024, in response to the withdrawn Warning Letter with Opportunity to Correct 2024-WLOTC-6786. The responsible party has satisfied all conditions of the corrective action requirements listed in the withdrawn warning letter and their project is in compliance with the 1200-CA permit and DEQ requirements.

This letter serves as an acknowledgement of corrective action completion. No further action is required.

Should you have any questions about the content of this letter, contact me in by phone 971-303-4646 or by email at trevor.ureno@deq.oregon.gov.

Sincerely,

Trevor Ureno

Water Quality Specialist

Oregon Department of Environmental Quality – Northwest Region