

Cleanup Process and Criteria

Background

This fact sheet describes procedures Oregon Department of Environmental Quality (DEQ) uses to review and approve cleanups of hazardous substances under Oregon Revised Statute (ORS) 465.200 et seq. and Oregon Administrative Rules (OAR) 340-122-0010 to 0140.

Cleanup procedures

Many historic releases of hazardous substances are satisfactorily cleaned up without DEQ review and approval of the cleanup action. Discharges to water or air from a site are regulated by DEQ's water quality and air quality divisions, and may need permits from those programs. Federal and state solid waste and hazardous waste laws also apply to cleanup sites.

Property owners often desire review and approval of their cleanup because DEQ issues "No Further Action" determinations for sites that satisfactorily address cleanup requirements. In cases where a past release of hazardous substances poses a significant threat to human health or the environment, DEQ will require cleanup. All work plans and reports prepared for DEQ review and approval must be signed and stamped by a Registered Geologist or Professional Engineer licensed to practice in Oregon. Sites are cleaned up in a variety of ways. DEQ offers the following pathways for review and approval of cleanups conducted by property owners:

- **The Independent Cleanup Pathway** is designed for sites of low or medium environmental priority. A site owner can complete the investigation and cleanup independently, and request final approval from DEQ.
- **The Voluntary Cleanup Pathway** is available for sites of low, medium or high environmental priority and cooperative participants. DEQ provides oversight throughout the investigation and selects or approves the remedial action through a collaborative process.
- **The Site Response Program** addresses sites of medium or high environmental priority that may require enforcement actions. DEQ provides oversight throughout the investigation and cleanup, and selects the remedial action.

Fundamental standard for cleanup

All cleanups that are approved or selected by the DEQ must assure protection of public health, safety, welfare and the environment. If the site does not pose an unacceptable risk, as defined by ORS 465.315, remedial action is not required.

Criteria for remedy selection

Protection of public health, safety, welfare and the environment is the standard applicable to all cleanup sites, including Independent Cleanup Pathway sites. For Voluntary Cleanup and Site Response Sites where DEQ selects the remedy, two additional principles guide DEQ's decisions.

First, DEQ evaluates and selects a cleanup remedy based on the following criteria:

- Effectiveness
- Implementability
- Long-term reliability
- Implementation risk
- Reasonableness of cost

These criteria are used in the evaluation of cleanup options. Please refer to OAR 340-122-0090 and DEQ guidance documents for additional information.

Second, ORS 465.315 establishes preferences for the type of cleanup to be selected. For example, if current or reasonably likely future uses of water are impacted, the cleanup law establishes a preference for treatment. Similarly, if contamination in soil is a highly concentrated "hot spot", the cleanup law establishes a preference for treatment or removal. For contamination that is not a "hot spot" under the cleanup law, there is a preference for selecting the least expensive protective cleanup option.

Additional information

Additional cleanup program information can be found at: www.deq.state.or.us/wmc/cleanup, or by contacting the Environmental Cleanup Program Representative at the regional DEQ office. The contact list can be found at: www.deq.state.or.us/wmc/cleanup/vcp0.htm.

Alternative formats

Alternative formats of this document can be made available. Contact DEQ's Office of Communications and Outreach, Portland, for more information at (503) 229-5317.



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