

Voluntary Cleanup Program Independent Cleanup Pathway

Introduction

The Department of Environmental Quality (DEQ) has formalized an Independent Cleanup Pathway (ICP) to assist parties interested in cleaning up contaminated sites without ongoing DEQ oversight. If a cleanup is completed to a level that is protective of human health and the environment consistent with Oregon's cleanup law, DEQ will issue a No Further Action (NFA) letter to the responsible party when the cleanup activities are completed, reviewed and approved following the public comment period. The ICP is specifically designed for low and medium priority sites and is not applicable to high priority sites that present greater risk. If DEQ receives 90 days notice before the final report is submitted for an ICP project, DEQ intends to review the final report within 60 days of receipt.

Benefits and risks of independent cleanups:

The benefits of independent cleanups to the are:

- The ICP provides a streamlined cleanup path for low and medium priority sites
- ICP provides more certainty to RPs on DEQ's final report review time.
- RPs can set their own schedule for investigation and cleanup.
- RPs can save money by not incurring DEQ oversight charges during the project.
- RPs can dove-tail the project work to other development activities at the site.

The primary potential risk is that DEQ will not issue an NFA after cleanup activities are completed. This would occur if DEQ believed that unacceptable risks remained at the site, even after the cleanup. While this is an unusual outcome, parties wishing certainty in obtaining an NFA should consider either Site-Specific Technical Consultation (described in this fact sheet) or traditional Voluntary Cleanup Program (VCP) oversight through DEQ.

Site priority

The ICP is an alternative to traditional Voluntary Cleanup Program (VCP) oversight. This option is available for sites ranked as low and medium priority for further investigation or cleanup. The main reasons for restricting ICP participation are:

- These sites pose less significant risks, and can generally be cleaned up relatively easily – and without DEQ oversight – to levels that protect human health and the environment.
- More complex or higher priority sites generally require significant DEQ review time, and would not meet the rapid response time we are providing for the ICP.

Site Eligibility

There are two ways to determine if your site is eligible for the ICP. First, complete the Initial Site Screening form, which has five questions that are designed to make sure that the sites are good candidates for the ICP. Sites that pass this initial screening can move directly into the ICP, and RPs do not need to provide additional information to DEQ up front. If your site does not pass this initial screening the ICP may still be an option. To make that determination, you will need to provide enough information for DEQ to determine the environmental priority of the site.

Site-specific technical consultation

DEQ offers Site-Specific Technical Consultation on a cost recovery basis for participants in the ICP who want some level of DEQ input during their cleanup activities. Site-Specific Technical Consultation can range from review of work plans, site investigation reports, and beneficial use determinations, to general advice about any aspect of a site's investigation and cleanup.

RPs interested in Site-Specific Technical Consultation, enter a Cost Recovery Agreement with DEQ. DEQ will then assign a project manager as a point of contact for the duration of the Agreement. The project manager will review work products and discuss them with the RP and with other DEQ staff as needed and will provide either verbal or written non-binding advice as requested.

For moderately complex projects or projects which require a time-critical NFA determination, DEQ recommends that the RP seek Site-Specific Technical Consultation at key project decision points to reduce the risk of submitting an incomplete final report.



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Permit exemptions

Sites participating in the ICP are not eligible for permit exemptions as described in ORS 465.315(3). To be eligible for permit exemptions, a cleanup project must be taking place with DEQ oversight.

Insurance note

Before beginning an independent cleanup, RPs should evaluate their insurance coverage – including present and past policies – to determine if the insurance might cover part or all of the cleanup costs. RPs should be sure to discuss cleanup plans with their insurance agent **before** beginning cleanup activities. At a minimum, many insurers require notice and an opportunity to review cleanup plans before action is taken, as a condition for coverage of cleanup expenses.

Additional Information

Additional information and materials related to the Independent Cleanup Pathway may be obtained through DEQ's web site at <http://www.deq.state.or.us/wmc/cleanup/icpmain.htm>, or by contacting the Environmental Cleanup Program Representative at your regional DEQ office.

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.