

Approval Requirements for UST Cleanup Projects



State of Oregon
Department of
Environmental
Quality

**Land Quality Division
UST Program**
811 SW 6th Avenue
Portland, OR 97204
Phone: (800) 742-7878
Fax: (503) 229-6954
tanks.info@deq.state.or.us

Background

The Oregon Department of Environmental Quality (DEQ) is required to approve certain cleanup actions and the “no further action” determination for underground storage tank (UST) cleanup sites. Oregon Administrative Rules (OAR) 340-122-0205 through 0360 specifies UST cleanup requirements and approval criteria.

This Fact Sheet explains when approval from the UST Cleanup Program is necessary. This document will also serve as a useful reference about where to find more complete descriptions of the criteria and procedures for approval.

When is “approval” necessary for UST cleanup sites?

Formal DEQ approval is only required for a corrective action plan (CAP) and for a “no further action” determination. We encourage the responsible party to proceed with necessary corrective action plans prior to approval. Approval is not needed for actions required by OAR 340-122-0220 through 0240, such as mitigating imminent hazards, preventing additional leaks, investigating the contamination, performing free product removal, and proceeding with site cleanup.

What is required for the approval of a corrective action plan?

Oregon Administrative Rule 340-122-0250 lists the information that must be included in a corrective action plan. Remember these three important rules:

- You must determine the full magnitude and extent of all contamination (soil, groundwater, surface water and vapors-- both on- and off-site).
- It is not necessary to wait until a corrective action plan is approved in order to perform corrective actions, unless implementation of the corrective action carries additional human health risks that must be evaluated (*e.g.*, air sparging, bioremediation, *etc.*).
- A corrective action plan must include enough design and test data to show that the plan is adequate to protect human health and the environment.

What is a “no further action” determination? What are the evaluation criteria for approval?

Your cleanup site may qualify for a “no further action” determination when it no longer presents an unacceptable risk to human health or the environment and when you have complied with all applicable rules. The “no further action” decision means that based upon the technical information presented to DEQ, the agency has concluded that no additional cleanup measures are necessary.

The UST Cleanup Program allows many options for completing your project. These include:

- Low-Impact Sites (OAR 340-122-0243)
- Risk-Based Concentrations (OAR 340-122-0244)
- Corrective Action Plan (OAR 340-122-0250)
- Generic Remedies (OAR 340-122-0252)
- Soil Matrix Cleanup Options (OAR 340-122-0320 through 0360)

Each option takes a different path to the no further action determination, but you must always:

- Determine the full magnitude and extent of all contamination.
- Demonstrate that there are no unacceptable risks either by 1) leaving no residual contamination in place that exceeds numeric standards or 2) demonstrating that there are no complete pathways that present human health or environmental risk.

Additional information

Three important documents are:

- *UST Cleanup Manual*, DEQ, 2000,
- *Risk-Based Decision Making for the Remediation of Petroleum-contaminated Sites*, DEQ, 2003, and
- *Guidance for Applying the Low-Impact Site Rule to UST Cleanup Sites*, DEQ, 1999.

All are available by contacting DEQ’s Helpline toll-free at 1-800-742-7878. E-mail your request to tanks.info@deq.state.or.us or visit our Web site at: www.deq.state.or.us/lq/tanks/lust/index.htm.