

Cleanup Process and Criteria



State of Oregon
Department of
Environmental
Quality

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Background

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

Cleanup procedures

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

Property owners often seek 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** addresses sites of low or medium environmental priority. A site owner can complete the investigation and cleanup independently and request final DEQ approval.
- **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 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 approved or selected by 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

DEQ uses these criteria to evaluate 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 affected, 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 is at: <http://www.oregon.gov/deq/Hazards-and-Cleanup/env-cleanup/Pages/Voluntary-Cleanup.aspx> or by contacting a cleanup program representative at the regional DEQ office.

Alternative formats

Documents can be provided in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland (503) 229-5696 or emailing deq.info@deq.oregon.gov.