Oregon Watershed Enhancement Board

Environmental Cleanup Sites

Policy and Guidelines

Effective Date: **July 19, 2011**

Approved By: _____
Tom Byler, Executive Director

PURPOSE

The Board's policy is based on Board members' concerns that OWEB should not be viewed as a sole funder or strong funding source for mine cleanup, and that it is not appropriate for OWEB to play a role in "environmental cleanup," but focus on OWEB's mission.

OWEB POLICY

1. General policy against funding activities at environmental cleanup sites

As a general rule, OWEB will not consider funding for activities related to environmental cleanup sites, because (1) federal and state law make responsible parties strictly liable to pay for cleanup, (2) where responsible parties are unknown, unwilling or unable to pay, federal and state laws have created funding programs to pay for cleanup (superfund and orphan site), and (3) environmental cleanup sites can often involve extremely complex situations of liability and technical requirements for cleanup actions that may go beyond what OWEB typically considers "restoration."

2. Limited Exception for Orphan Site Abandoned Mines on Private Land

Under limited circumstances, OWEB will consider funding for sampling, risk assessment, design, feasibility study, and restoration activities at orphan site abandoned mines located on private land in order to improve water quality and/or fish habitat. OWEB will not consider orphan site abandoned mines on the National Priorities List or those located on federal land. In those cases it is appropriate that the federal government provide funding.

If the OWEB Board awards funds for specific, limited activities at an orphan site abandoned mine, it is not a commitment to fund future actions at that site. For example, funding a technical assistance grant for a feasibility study does not imply a commitment to fund future implementation actions. Funding a system to treat acid mine drainage to improve fish habitat does not mean that OWEB should fund more extensive remediation/cleanup actions on the site.

3. Orphan Site Abandoned Mine on Private Land – Application Eligibility Requirements

OWEB will accept and consider applications only when all of the following are demonstrated and included in the grant application:

- The site is located on private land.
- The activities proposed in the application have been identified in a watershed assessment or watershed action plan as a high priority action necessary to address limiting factors for

significant aquatic resource values. The application must cite the name and page numbers of the applicable assessment or action plan that identifies the activities proposed in the application.

- Other funding options have been explored, and other funding is not available to fully fund the proposed activities. This includes, but is not limited to:
    - If a site is part of a Whole Watersheds Restoration Initiative, funding should be provided through one or more of the WWRI funding partners, if available.
    - DEQ has officially designated the site as an orphan site because responsible parties are "unknown" or "unable to pay," but DEQ's Orphan Site Account has insufficient funds. Note: OWEB will not consider funding for an orphan site designated based on the "unwillingness" of the responsible parties.
- A letter from DEQ or EPA confirming that it can provide any necessary oversight and approval of the activities contemplated in the grant application, including design and engineering work. If oversight is not necessary, the letter should confirm that.
- A copy of any DEQ order or agreement (including letter agreement) with DEQ concerning the site.