

Fact Sheet

Leaking Underground Storage Tank Cleanup Notices Frequently Asked Questions

The Oregon Department of Environmental Quality's [Leaking Underground Storage Tank Program](#) works with responsible parties to reduce contamination of soil and groundwater.

What is a LUST site?

A LUST site is an underground storage tank system where a release has occurred. A release may occur during tank removal or if there was a failure of the tank system (leaking) while still operating in the ground. If not corrected, the petroleum or other hazardous substances leaking from the tank can seep into soil and contaminate groundwater, a vital source of drinking water. A leaking tank can also present other health and environmental risks, including vapor intrusion into buildings and residences and potential for fire and explosion. Once cleanup is completed according to Oregon DEQ standards, a No Further Action letter is issued for each LUST incident. Note that multiple LUST incidents/sites can be present on one property. Responsible Parties (property owners and/or operators) are required to investigate and cleanup releases from underground storage tanks to protect public health and the environment.



An environmental consultant removing an old steel underground storage tank.

What is considered an *open* LUST site?

An open or unresolved LUST site has not completed the soil and groundwater sampling and/or cleanup, and reporting needed to receive a No Further Action letter for a LUST incident.

Where can I look up my LUST site?

All information for all LUST sites is now available on [Your DEQ Online](#). YDO is also where you submit your cost recovery agreement (described below).

Translation or other formats

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What is the LUST cleanup notice?

In response to some LUST sites remaining unresolved for long periods of time (years up to decades) DEQ is currently notifying responsible parties of their historical open LUST sites. The LUST cleanup notices include information about the open LUST site and the next steps for the responsible parties. DEQ is addressing these historical LUST sites as part of a cooperative agreement between the U.S. Environmental Protection Agency and Oregon DEQ. In addition to historical LUST sites, DEQ automatically issues a LUST cleanup notice to the responsible party upon receipt of a report of a release from an underground storage tank.

Why am I receiving this notification?

Your LUST site has been identified as “open” and requires action for closure.

I no longer own this property. Am I still responsible for cleanup?

A responsible party is usually the current owner/operator of the facility or property. However, previous owner/operators or anyone who causes, contributes to, and/or worsens the contamination may be considered a responsible party. If you are not the current owner of the property, you may still be considered the responsible party based on the history of the property. Please contact your [regional office](#) with any additional information regarding potential responsible parties.

What is a Cost Recovery Agreement?

A Cost Recovery Agreement contains details on DEQ’s project oversight actions, invoicing and payment requirements. Oregon law (ORS 465.330) requires DEQ to recover all reasonable costs associated with the investigation and cleanup of contaminated sites from the responsible party(s). DEQ oversight costs are in addition to consulting fees and costs that may be incurred during the assessment and/or remediation of the LUST site.

What happens after I sign the Cost Recovery Agreement?

Once a [Cost Recovery Agreement](#) is signed, the LUST site is placed on a regional waitlist until DEQ can assign a DEQ project manager. Consult with your DEQ regional office about potential wait times. After a DEQ project manager is assigned, DEQ will notify the responsible party and begin review of your LUST site and provide a monthly cost recovery bill for project management costs. Please see the [Leaking Underground Storage Tank Cleanup Information Packet](#) for more information regarding DEQ’s cost recovery.

How much does DEQ’s oversight cost?

The cost of DEQ’s oversight depends on many factors, such as the degree and extent of contamination and the amount of DEQ oversight required. DEQ’s oversight costs an average of \$250 per hour. Submitting complete and accurate work plans and reports to DEQ from experienced environmental consultants may reduce DEQ’s oversight costs. After a project manager is assigned to your site the responsible parties can request an estimate for DEQ’s oversight costs.

Why didn't DEQ notify me about this before?

Currently DEQ is working on closing historical LUST sites that may have had releases that occurred many months to many years ago. These notices are a follow up to the initial notification from DEQ and includes information and instructions on how to begin the cleanup process.

How long does it take to close the site with DEQ?

DEQ must review and approve the final cleanup report before closing a site and issuing a No Further Action decision. The timeline depends on the complexity of the site and the clarity and completeness of the data and reports provided to the DEQ project manager. Please contact your regional office for an estimated timeline of closure for your site.

Am I required to close the open LUST site on my property?

Yes, responsible parties are required to cleanup any leak from an underground storage tank in accordance with OAR 340-122- 0217.



Collecting soil samples next to a leaking underground storage tank.

What happens if I don't respond to the cleanup notice?

Cleanup notices from DEQ explain the next steps required from the responsible party. If DEQ designated your site as high priority, signing a cost recovery agreement and initiating cleanup is **required** to avoid enforcement action which may include fines court orders. DEQ will provide advanced notice if urgent action is required. For standard priority sites, failure to respond will extend the wait time for resolution of contamination or potential contamination on your site causing issues to arise during the sale of properties or surrounding properties.

LUST regional contacts

If you have any questions or concerns, please contact your [DEQ regional office](#).

Resources

[General Program Information](#)

[Tanks Cleanup Guidance](#)

[LUST Cleanup Manual](#)

Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age, sex, religion, sexual orientation, gender identity, or marital status in the administration of its programs and activities. Visit DEQ's [Civil Rights and Environmental Justice page](#).