

Independent Cleanup Pathway Information Packet

Voluntary Cleanup Program



State of Oregon
Department of
Environmental
Quality

This packet includes:

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- Voluntary Cleanup Program Reference List
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- List of DEQ Technical Guidance Documents
- Environmental Cleanup Glossary

How to sign up for the Independent Cleanup Pathway (ICP)

1. Call the DEQ office in your area with any questions or issues you would like to discuss before you sign up. Ask for the Cleanup Program Representative.
2. Fill out and send in the “Intent to Participate” form, page 5 - 7 in this packet. Do not send any money now. The “Intent to Participate” form also serves as your notice to DEQ that you intend to submit your final report within 90 days or by the later date indicated on the form.
3. You will receive a cost recovery agreement from DEQ. Sign the agreement and return it to DEQ with your \$1,500 deposit.
4. DEQ will review your information, and send you an acknowledgement letter accepting the project into ICP or advising you of other program options.
5. Generally, when DEQ receives 90 days notice before you submit your report to us, we can complete our review of the report within 60 days.

Please review the enclosed information to learn more about doing business with the DEQ in the Independent Cleanup Pathway.

**Eastern Region
Bend**

2146 NE 4th #104
Bend OR 97701
Phone: (541) 388-6146
TTY: (541)388-6145

**Northwest Region
Portland**

2020 SW 4th Avenue
Portland, OR 97201
Phone: (503) 229-5263
TTY: (503) 229-5471

**Western Region
Eugene**

165 E. 7th Avenue, Suite 100
Eugene, OR 97401
Phone: (541) 686-7838
TTY: (541) 687-5603

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.



State of Oregon
Department of
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Quality

Land Quality Division
Environmental
Cleanup Program
811 SW 6th Avenue
Portland, OR 97204
Phone: (503) 229-6258
(800) 452-4011
Fax: (503) 229-6954
www.deq.state.or.us

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.

Independent Cleanup Pathway Steps in the Process



State of Oregon
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Land Quality Division
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811 SW 6th Avenue
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Phone: (503) 229-5913
(800) 452-4011
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www.deq.state.or.us

Introduction

The Independent Cleanup Pathway (ICP) is designed to assist parties interested in cleaning up contaminated sites without ongoing Department of Environmental Quality (DEQ) oversight. It is specifically designed to provide DEQ approval through a more streamlined cleanup path for low and medium priority sites and more certainty for Responsible Parties (RPs) on DEQ final report review time. The recommended steps in the ICP process are described below.

Program Information

ICP information packets, including an Initial Site Screening form, an Intent To Participate form, and example Cost Recovery Letter Agreement are available on request from the Environmental Cleanup Program Representatives in the regional DEQ offices. The information packet can also be downloaded from the DEQ ICP Web site <http://www.deq.state.or.us/wmc/cleanup/icp-main.htm>.

Initial Meeting

DEQ's Environmental Cleanup Program Representative will offer to meet with you and your representatives to discuss the project, the ICP, and any questions or concerns you may have regarding the process, schedule and requirements. The purpose of the meeting is to provide a forum for you to discuss site environmental issues and for DEQ to provide advice regarding the suitability of the site for the ICP. It also provides an opportunity to discuss what, if any, existing information DEQ has about the site, potentially including a ranking by DEQ's Site Assessment Program.

The Initial Site Screening form will also be discussed at this meeting. This form is designed to quickly identify good candidates for the ICP. If you do not have enough information about the site to answer the questions on the Initial Site Screening form, additional site investigation activities need to be conducted before we know if the project qualifies for the ICP.

If the site passes this initial screening, it is eligible for the ICP. If the site does not pass, the ICP may still be an option. To make that determination, you will need to provide enough

information for DEQ to complete a site prioritization.

Intent to participate form and site eligibility information

If the site appears to be appropriate for the ICP, you will be asked to submit the completed Intent to Participate form and Initial Site Screening form or additional site information necessary to complete the site prioritization. The Intent to Participate form has a place where you indicate if you want Site-Specific Technical Consultation from DEQ during the cleanup activities.

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 draft work-product review (e.g., work plans, site investigation reports, and beneficial use determinations) to advice on how to manage unanticipated findings at the site.

Cost recovery agreement

After receiving the completed Intent to Participate Form and Initial Site Screening form, DEQ will prepare a Cost Recovery Agreement for your signature. You return the signed Agreement, along with a \$1,500 deposit, to DEQ.

DEQ reviews submitted information

Once DEQ receives the executed Cost Recovery Agreement and deposit check, DEQ will review the site eligibility information, prioritize the site if necessary, and determine if it is eligible for the ICP. If the site does not meet the requirements for the ICP, DEQ's Environmental Cleanup Program Representative will provide information on other program options.

DEQ's acknowledgment letter

If the site is eligible for the ICP, DEQ will prepare and submit an Acknowledgment Letter accepting the project into the ICP. DEQ will add the site to the Environmental Cleanup Site Information (ECSI) database, assign technical consultation staff (if requested), and issue a press release or public notice announcing your participation in the ICP. This public notification

will only be issued for those ICP sites that anticipate additional investigation and/or cleanup activities.

Generally, DEQ requires 90 days advance notice of final report submittal before we can commit to complete our review of the final report within a 60-day time frame.

If you submit your Final Report on schedule after the 90-day notice period, as indicated in the ITP form, a DEQ Project Manager will be immediately assigned. If the Final Report is not submitted on schedule, the time frame for report review will depend on staff availability.

Independent cleanup

You or your consultant or contractor complete the independent cleanup (or has completed the independent cleanup prior to entering the program) in accordance with Oregon statutes and rules.

Prepare final report

You or your consultant or contractor prepare and submits the ICP Final Report Checklist and Final Report to DEQ for review and approval. The Final Report must be signed and stamped by a Registered Geologist or Professional Engineer licensed to practice in Oregon. A report preparation guide is available on our Web site at <http://www.deq.state.or.us/wmc/cleanup/icp-main.htm>.

DEQ's review of final report

If data collection, analysis and conclusions drawn in the report are deemed acceptable in accordance with Oregon statutes and rules, DEQ will send you a letter accepting the report and agreeing that the independent cleanup appears complete.

If the report is found to be incomplete or inaccurate, then the DEQ Project Manager will prepare a letter describing the data gaps or inaccuracies and submit the letter to you within the target time period. You will be asked to correct the data gaps or inaccuracies and resubmit the report. DEQ will attempt to complete its review of the revised report within 60 days of receipt.

DEQ Issues NFA Determination

Once DEQ accepts the final report, DEQ will begin proceeding through the NFA process:

- DEQ Project Manager prepares a Staff Memo recommending NFA.
- DEQ Program Manager reviews and approves the Staff Memo, if appropriate.

- DEQ Project Manager prepares and publishes the public notice* and issues a press release.
- After satisfying the public notice* and Participation requirements, DEQ issues the NFA letter.

Delisting

Sites that are cleaned up or are found to not present an unacceptable risk can be removed from the Confirmed Release List and the Inventory following the completion of public notice. If protection is maintained by institutional or engineering controls, the site must remain listed.

**Note: Public notice is required if a cleanup action was completed, or if institutional or engineering controls are used. Public notice is also required to delist a property from the Confirmed Release List or the Inventory.*

For 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/icp-main.htm>, or by contacting the Environmental Cleanup Program Representative at your regional DEQ office.

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VOLUNTARY CLEANUP PROGRAM
INDEPENDENT CLEANUP PATHWAY
INTENT TO PARTICIPATE

Identification of Site

Site Name: _____

Site Address: _____

Legal Name of Owner: _____

Legal Name of Operator: _____

Mailing Address: _____

Contact Name: _____ Phone: _____ e-mail: _____

Township: _____ Range: _____ Section: _____ Tax Lot (s): _____ Size (acres): _____

Latitude (Lat) Degrees: _____ Minutes: _____ Seconds: _____

Longitude (Long) Degrees: _____ Minutes: _____ Seconds: _____

Method of determining Lat/Long: _____

(Note: If you cannot provide a lat/long for your site, please include a 7.5 topographical map, with the site clearly marked on it, along with this form and we will determine the lat/long for you.)

Summary of Contamination Information

Please provide (or attach) the information below to the extent available.

Current site use:

Historic site use:

Known or suspected contaminant source(s):

Known or suspected contaminant(s):

Contaminated media: Soil ___ Yes ___ No ___ Unknown Groundwater ___ Yes ___ No ___ Unknown
Sediment ___ Yes ___ No ___ Unknown Surface Water ___ Yes ___ No ___ Unknown
Indoor Air ___ Yes ___ No ___ Unknown Outdoor Air ___ Yes ___ No ___ Unknown

Independent Cleanups – Site Eligibility

Please answer the questions below:

Yes No Has your site been ranked as low or medium priority by DEQ’s Site Assessment Program?

Yes No Are free-phase products present in the groundwater?

Yes No Has the site contamination impacted an existing drinking water source (groundwater or surface water)?

Yes No Has the soil, groundwater or surface water contamination at the site migrated beyond the property boundary?

Yes No Is the site in or within 1000 feet of a Sensitive Environment as defined in OAR 340-122-115(49)?

Yes No Are contaminant odors present in any buildings, manholes or other confined spaces?

If you answered yes to the first question and/or no to all of the last five questions you are automatically eligible for the ICP. If not, please discuss the site conditions with DEQ’s Environmental Cleanup Program Representative in this regional office to determine if your site may still be eligible for the ICP. DEQ may request additional site information to make the final site eligibility determination

Oversight Needed

► Is the investigation and/or cleanup already completed? Yes____ No____

► Would you like DEQ Technical Consultation during execution of the project? Yes____ No____

► Estimated project start date: _____
(month/day/year)

► Estimated project completion date: _____
(month/day/year)

► Estimated date when final report, stamped by a State of Oregon Registered Geologist (RG) or professional engineer (PE), will be submitted to DEQ for review: _____
(month/day/year)

Anticipated Project Complexity

_____ Simple cleanup sites are those where:
a) hazardous substances are limited to containers or to the unsaturated soil zone only;
b) the extent and type(s) of contamination is well-defined;
c) there are few contaminants of concern; and
d) the selected treatment option is a conventional technology.

_____ Moderately complex or complex cleanup - This category includes all sites that do not meet simple cleanup criteria above.

Intent to Participate

The undersigned intends to participate in DEQ's Voluntary Cleanup Program through the Independent Cleanup Pathway, and intends to negotiate in good faith a written agreement with DEQ. However, this Intent to Participate does not constitute such an agreement, and neither DEQ nor the undersigned will be bound to proceed unless such an agreement is executed. The agreement will describe the project activities of each party and will require the undersigned to reimburse DEQ for all of its oversight costs.

If the site is placed on DEQ's waiting list, DEQ will notify the undersigned in writing when it is moved to active status (typically in 90 days or less) and include a cost recovery agreement for signature. Following execution of a signed agreement and payment of the \$1,500 deposit the undersigned shall be prepared to submit all documentation summarizing existing conditions, activities and status at the site to DEQ for review. The undersigned understands that DEQ will move sites from the waiting list to active status based on various considerations, only one of which will be the timing of the original placement of a site on the waiting list.

With this Intent to Participate, the undersigned does not admit or assume liability for investigation or cleanup of the site. In addition, the undersigned may terminate this Intent to Participate at any time by notifying DEQ in writing.

Please execute this Intent to Participate in the space below and return to:

Department of Environmental Quality
Environmental Cleanup Program
(Regional office address)

Please DO NOT submit a deposit check at this time.

By: _____
(signature of authorized officer)

Name: _____
(print or type)

Title: _____

Company: _____

Date: _____

Telephone: _____

