

# DEQ Cleanup Program

## Working with DEQ—Understanding the Spectrum of DEQ's Programs Headquarters Overview

May 16, 2016  
Oregon Brownfield Conference

# Outline

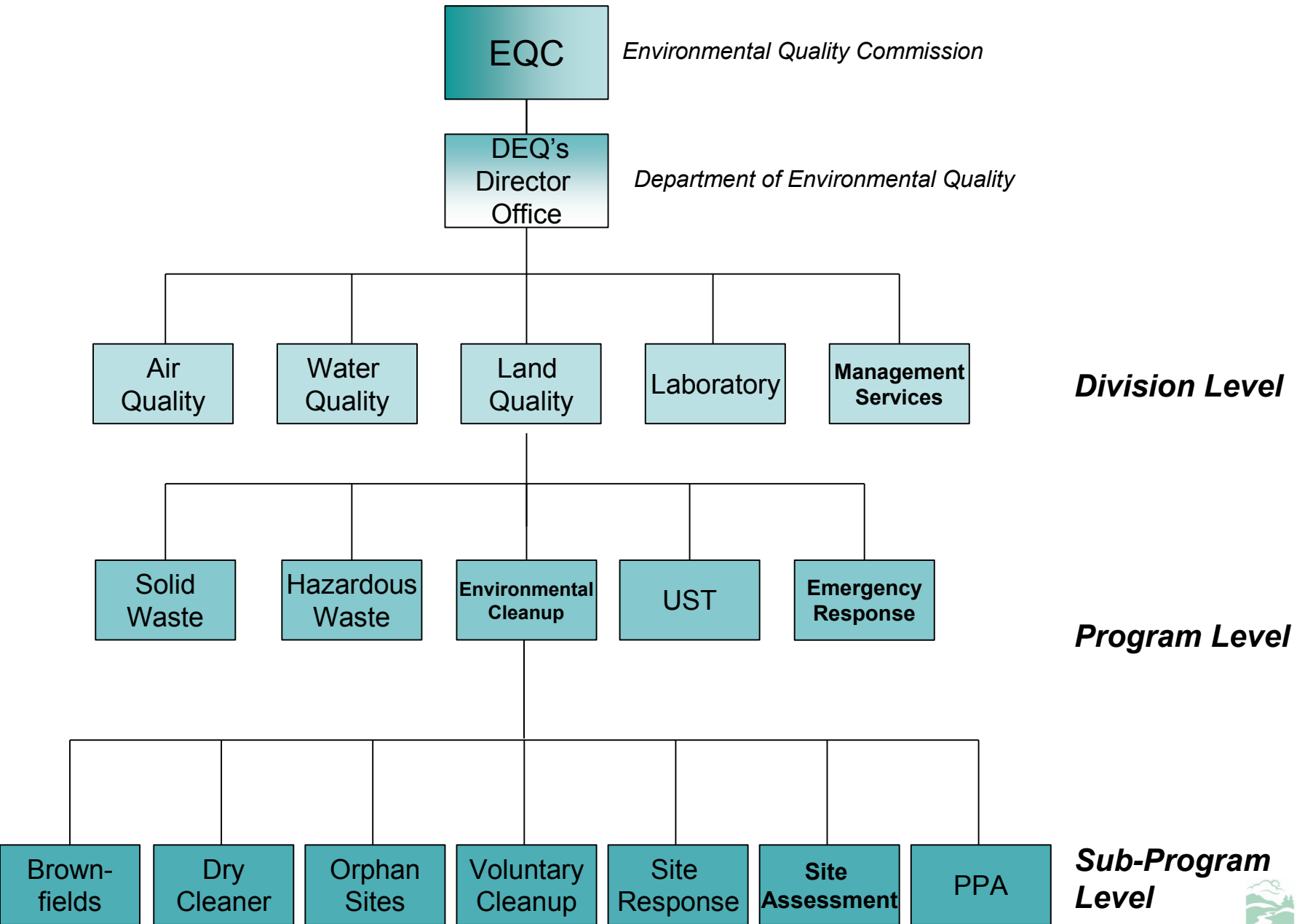
- DEQ Organization
- Headquarters Environmental Cleanup
- Outcome-based management - continuous improvement
  - Annual cleanup program customer survey
  - DEQ cleanup program development team
  - Brownfield coalition
- Ecological risk assessment updates
  - External ERA workgroup process & issues
  - Develop strategies to address problem areas
- Other policy topics

# DEQ Organization

- Responsible for protecting & enhancing Oregon's air, water & land.
- EPA's delegated authority to operate federal environmental programs.
  - Clean Air Act
  - Clean Water Act, parts of Safe Drinking Water Act
  - Resource Conservation and Recovery Act

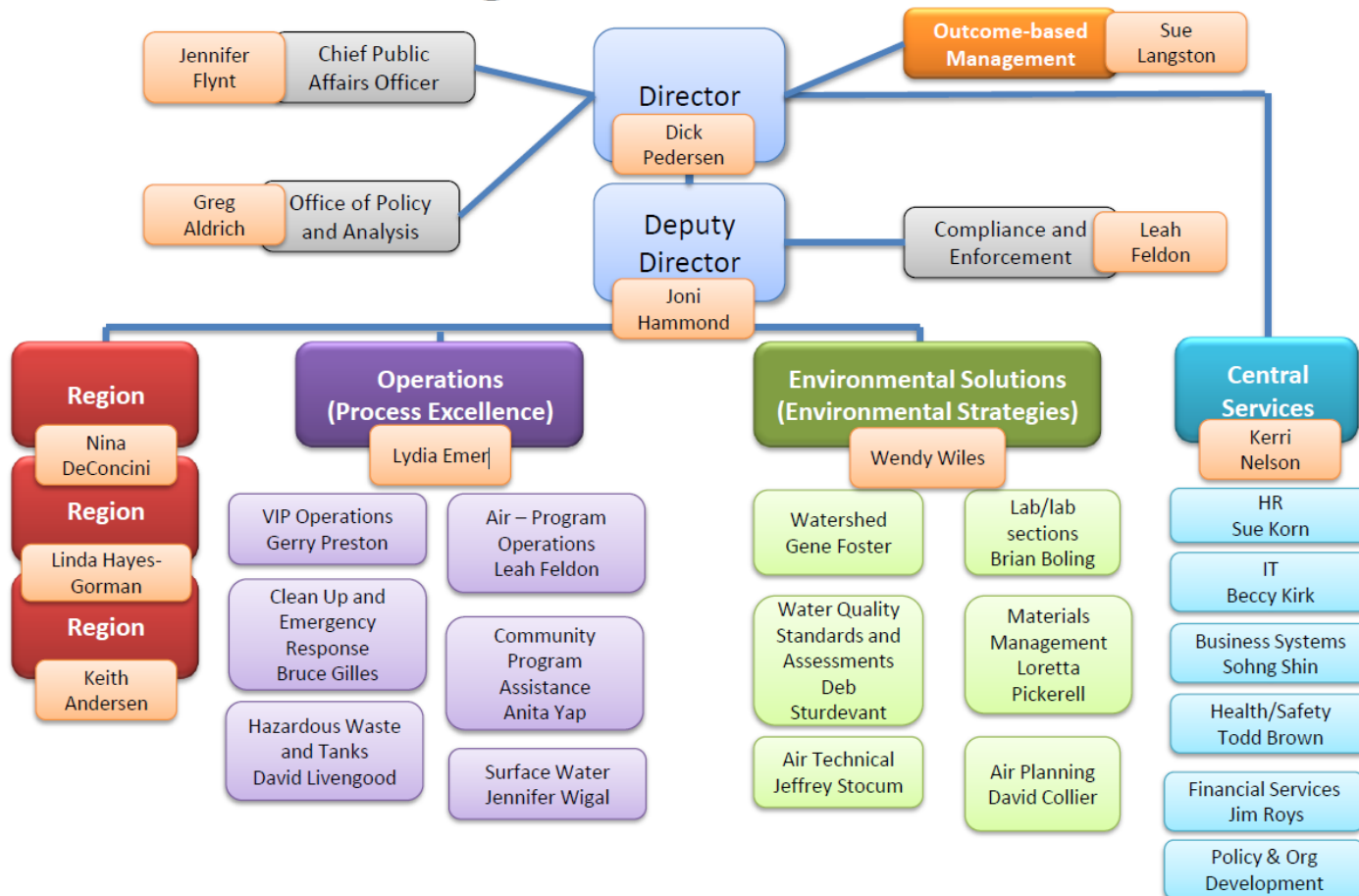
# Environmental Quality Commission

- DEQ's primary policy-setting & rule-making body.
- 5-member citizen panel appointed by the governor for 4-year terms.
- Establishes policy, issues orders, judges appeals on fines or other department actions.
- Appoints DEQ's Director.
- [www.deq.state.or.us/about/eqc/eqc.htm](http://www.deq.state.or.us/about/eqc/eqc.htm)



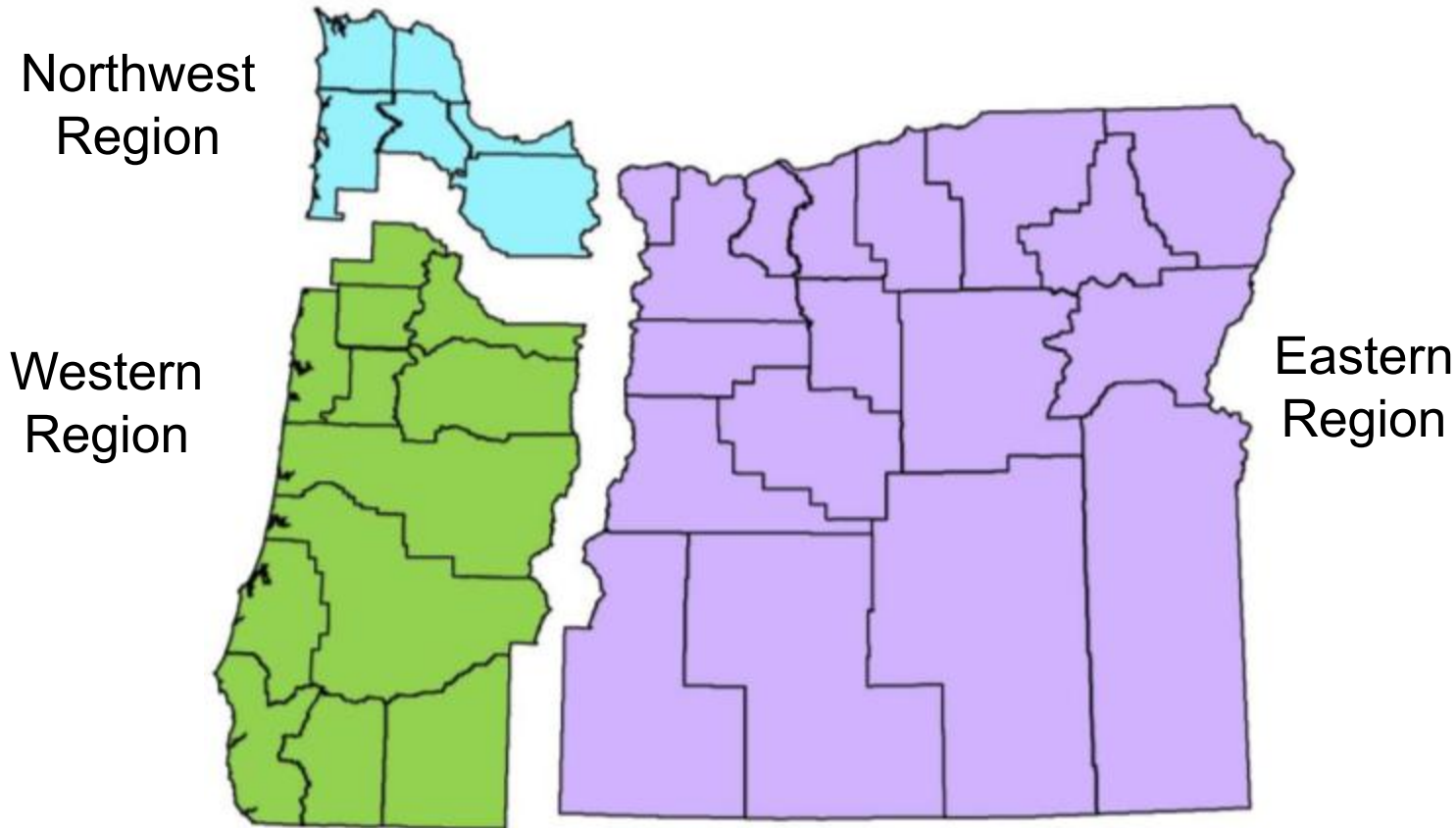
# DEQ Headquarters

## DEQ Organization Structure



# DEQ Regions

- Headquarters = Policy and Program Development
- Regional offices = Program Implementation



# Cleanup Programs

- 1988 – Environmental Cleanup/Underground Tanks
  - Site Response (SRS)/Orphan
  - Leaking Underground Storage Tanks (LUST)
- 1991 -Voluntary Cleanup Program (VCP)
- 1995 – Risk Based Cleanups & More
  - Dry Cleaner Program
  - Brownfields
  - Prospective Purchaser Agreements (PPA)
- 1998 - Independent Cleanup Program (ICP)
- 2001 - Heating Oil Tanks (residential)



# One Cleanup Program Model

- **One Cleanup Program:** Cleanup Program addresses contaminated sites irrespective of regulatory program it originates
  - Leaking UST Program, Solid Waste Landfills, and RCRA corrective action sites.
  - Slight difference due to rules but generally the approach is the same or applies the same risk-based criteria for decision making.
- **Reporting of Releases**
  - A release from a UST is required to be reported to DEQ.
  - A spill to waters of the state or above a reportable quantity is required to be reported to DEQ.
  - Historical releases from non-UST sites are not required to be reported but are recommended.
- All new projects are placed on a “Waiting List” for assignment of a DEQ project manager.
- Unless the site is a high priority, most sites can perform assessments without DEQ oversight.
- DEQ has multiple pathways for obtaining DEQ oversight. Pick one that is right for your site.

# DEQ Funding

- DEQ receives federal funding from the Environmental Protection Agency (EPA) to help manage the minimum basics of DEQ's Cleanup and LUST programs.
- The rest is paid for by within the programs by facility fees, agreements, funds, and grants.
  - Cost Recovery – “polluter pays” SRS/VCP/ICP
  - Orphan Account - bond sales
  - EPA Grants
  - Hazardous Waste Tipping Fee

# Approximate # Sites in the Programs

- **Underground Storage Tanks**
  - USTs in service – 5,500
  - LUST Releases – 8,300
  - Heating Oil Tank Releases – 37,000
- **Cleanup Programs**
  - Site Response - 85
  - Orphan Sites – 20
  - VCP – 600 / ICP - 300
  - Dry Cleaner Sites - 20
  - Brownfields grants - 300
  - Prospective Purchaser Agreements - 120

# Cleanup Program Headquarters Functions

- Rulemaking
- Policy and Procedures
  - Process Excellence
- Performance Measures
  - Billability
  - Tracking Benchmarks
- Cost Recovery & Program Budget
- Orphan and Dry Cleaner Program Administration
- Grants Administration
- Data Systems Administration

# Annual Cleanup Program Survey

- Annual surveys of program participants
- Goal to assess satisfaction with DEQ oversight of cleanup work and areas needing improvement
- Survey focus areas:
  - Accessibility of information
  - Communications
  - Project planning and collaboration
  - Decision-making
  - Costs

# Outcome-Based Management

- **DEQ's System:**
  - Identifies and prioritizes core work and processes
  - Sets meaningful measures of effectiveness
  - Connects employees to these measures
  - Provides tools, training and context that can lead to continuous improvements
  - Creates an environment of transparency and accountability
- **DEQ's Cleanup Program staffs a technical team to support process improvement initiatives**

# CU Program Development Team

- Standing team of project managers
- Team tasked in completing high priority policy and program development projects
- Streamline and clarify work flow steps and criteria
- Develop draft policy statements, project management tools, guidance documents, or other work products for management review and approval
- Projects completed:
  - Contaminant Delineation
  - Site Closure Procedures and Document Templates (aka “NFAs”)
  - DEQ Cleanup Project Manager manual (compendium of policies and procedures)

# Brownfield Coalition Policy Team

- Diverse group of stakeholders with statewide interest
  - Currently Facilitated by Metro
- Two subcommittees
  - Financial Incentives
  - Regulatory Enhancements
- Considering regulatory changes to propose in 2017 legislative session



# Oregon Environmental Cleanup Standards

- Original law enacted in 1987 – required cleanup to background or the lowest cleanup level feasible
- Law amended in 1995 – human health and ecological risk assessment in setting cleanup levels;
- Applicable standards for water are MCLs for drinking water and ambient water quality criteria for surface waters
- Risk-based concentrations incorporated into guidance
  - 2001 – Ecological Risk Assessment Guidance
  - 2007 – Guidance for Assessing Bioaccumulative Chemicals of Concern in Sediment
  - 2010 – Updated Human Health Risk Assessment Guidance
  - 2015 – Published updated RBDM risk based concentrations

# How Is Ecological Risk Assessment Working in Oregon?

- ~20 years of site work with existing guidance
- Many sites have moved through the risk assessment process and closed out
- Some problems in moving sites forward through the risk assessment process have been encountered
  - They take too long to complete
  - They cost too much to complete
  - They are too complex, not practical, and not transparent

# Ecological Risk Assessment Process Improvement Initiative

- **Common Complaints**
  - They take too long to complete
  - They cost too much to complete
  - They are too complex, not practical, and not transparent
- **Assessment Process Issues**
  - Conceptual site models and target endpoints
  - Definition of important/significant habitat and ecologically important species
  - Definition of a “local population” boundaries
  - Probability definition for protectiveness – ability to derive ecological benchmark values

# Remedy Periodic Reviews

- Deed restrictions in form of easement and equitable servitude in use for many years
  - To date, periodic reviews variable to not at all
- Proposed framework for 5-year reviews developed
  - Verify controls being maintained
- Pilot study planned for Northwest Region

# Dry Cleaner Program

- Enacted in 1995 at request of industry
- Provides liability release to owners/operators subject to:
  - Payment of Fees to Dry Cleaners Environmental Response Account
    - 2% fee on gross revenue from “dry cleaning” services
  - Maintain good spill prevention practices pursuant to regulation
  - Fees collected inadequate to perform many cleanups on annual basis
  - Sustainability of program beyond 2019 questionable

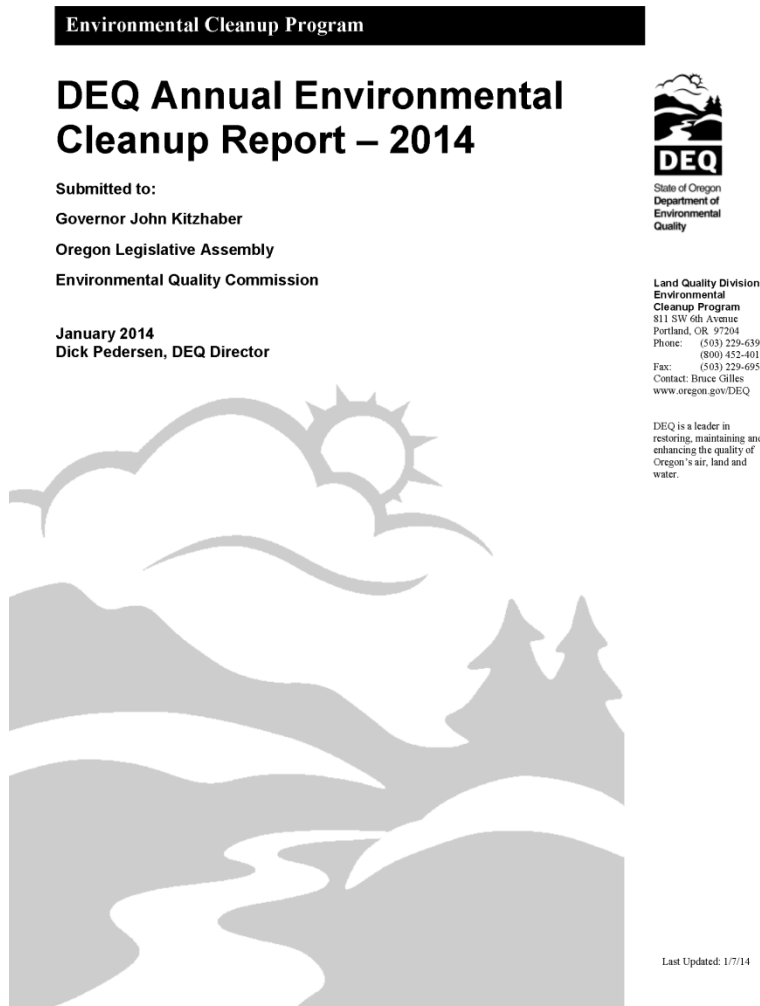
# DEQ Prospective Purchaser Program

Administered by Headquarters

Purpose of PPAs:

- Encourage cleanup and productive reuse of contaminated property
- Allow prospective purchasers and lessees to invest while limiting liability
- Liability limitation in exchange for substantial public benefit
- Legal document (agreement, order, judgment)
- Rights and obligations of PPA “run with the land”

# DEQ's Cleanup Program Annual Report



## Links to:

- Annual Cleanup Report  
<http://www.deq.state.or.us/lq/pubs/docs/cu/AnnualCUREporttoLegislature2014.pdf>
- Environmental Cleanup Site Information (ECSI) Database  
<http://www.deq.state.or.us/lq/ecsi/ecsi.htm>
- Leaking Underground Storage Tank (LUST) Cleanup Site Database  
<http://www.deq.state.or.us/lq/tanks/lust/LustPublicLookup.asp>
- Facility Profiler  
<http://deq12.deq.state.or.us/fp20/>

# Databases and Website Links

- DEQ Databases including Leaking Underground Storage Tank (LUST) and Environmental Cleanup Site Information (ECSI):
  - [www.deq.state.or.us/news/databases.htm](http://www.deq.state.or.us/news/databases.htm)
- Environmental Cleanup:
  - [www.deq.state.or.us/lq/cu/index.htm](http://www.deq.state.or.us/lq/cu/index.htm)
- Leaking Underground Storage Tanks:
  - [www.deq.state.or.us/lq/tanks/lust/index.htm](http://www.deq.state.or.us/lq/tanks/lust/index.htm)
- Prospective Purchaser Agreements:
  - [www.deq.state.or.us/lq/cu/ppa.htm](http://www.deq.state.or.us/lq/cu/ppa.htm)



*Thank You!*

Bruce Gilles, Emergency Response and Cleanup Manager