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Background Brief on...

# Environmental Cleanup

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## Background

In the event hazardous substances are released at a property or accident site, state and federal laws are in place to ensure action is taken to protect human health and the environment. The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (**CERCLA**) authorizes the U.S. Environmental Protection Agency (**EPA**) to respond to releases or threatened releases of hazardous substances. This law also addresses Superfund sites. In 1987, the Oregon Legislature enacted environmental cleanup language similar to CERCLA. Hazardous substance and waste handling requirements are provided for in ORS Chapters 465 and 466.

## Status

The following table summarizes the number of sites in Oregon where releases of hazardous substances are known or suspected to have occurred and progress by the state in evaluating, investigating and cleaning up these sites.

	2000	2001	2002	2003
New Sites	270	273	166	153
Completed Cleanup	85	85	50	57
	2000	2001	2002	2003
Sites Needing Cleanup	1418	1583	1674	1743
Sites Being Cleaned Up	443	466	491	518
Sites Cleaned Up	643	728	778	835
Total Cumulative Sites	2504	2777	2943	3096

## Oregon Law

Oregon's law focuses on investigating and cleaning up releases or threatened releases of hazardous substances. Oregon's cleanup law is similar to CERCLA by holding owners and operators of facilities liable for cleanup costs where a hazardous substance has been released. In contrast to CERCLA, Oregon's cleanup law includes "oil" as a "hazardous substance."

State law authorizes the Department of Environmental Quality (**DEQ**) to enter a facility to investigate a release or threatened release, to recover costs incurred to investigate and/or clean up a

site, and to seek a court order to obtain cooperation for site investigation if necessary. Violations of Oregon's cleanup law or related agency orders are subject to civil penalties up to \$10,000 per day. If responsible parties fail to properly complete the required cleanup, DEQ may clean up the site and recover costs plus treble damages.

Most contaminated sites are cleaned up through DEQ's Voluntary Cleanup Program, where property owners voluntarily arrange for DEQ oversight of their cleanup activities.

DEQ also administers an orphan site program to clean up high priority contaminated properties when a responsible party is unknown or unable to perform site remediation. The orphan site program is funded with bond revenues currently backed by the General Fund.

### **How clean is clean?**

In 1995, the Oregon Legislature repealed provisions requiring cleanup to "background or lowest feasible concentration" levels and instead established specific acceptable risk levels for human and environmental exposure. Oregon cleanup standards for various hazardous and toxic substances can be found at [www.deq.state.or.us/smc/cleanup/curules.html](http://www.deq.state.or.us/smc/cleanup/curules.html). Methods used to clean up a site must consider current and anticipated future land uses along with existing and likely beneficial water uses. Remediation plans may also require long-term site monitoring.

### **Dry Cleaning Facilities**

Oregon law establishes a unique program for dry cleaning facilities. The dry cleaner program, initially enacted in 1995, exempts dry-cleaning owners and operators from liability, with exceptions, for releases of dry cleaning solvents if fees are paid and waste minimization requirements are followed. The 2001 Legislature passed SB 463 clarifying and improving waste minimization requirements which protect the environment from future releases.

### **Recent Legislation**

Senate Bill 419 (2003) increased the amount of funds available for cleanup of contaminated dry cleaner sites. The major provisions of SB 419 are:

- Applicants must investigate whether an insurance policy provides coverage for contaminated sites.
- Fees based more on gross revenue are anticipated to generate more program income.
- Responsibility for fee collection was moved from Department of Revenue to DEQ.
- The 2006 sunset on the dry cleaner program was removed.

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