



November 2006

Inside this Brief

- **Background**
- **Status**
- **Oregon law**
- **How Clean is Clean?**
- **Dry Cleaning Facilities**
- **Recent Legislation**
- **Staff and Agency Contacts**

Legislative Committee Services
State Capitol Building
Salem, Oregon 97301
(503) 986-1813

Background Brief on ...

Environmental Cleanup

Prepared by: Judith Callens

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 Fiscal Year 2005 progress in Oregon in evaluating, investigating and cleaning up sites with known or suspected releases of hazardous substances.

Cleanup Phases Completed in FY 2005

Suspected Releases Added to Database	227
Added to Confirmed Release List	27
Added to Inventory	15
Site Screenings	61
Preliminary Assessments & Equivalents	55

Voluntary Cleanup

Removal Actions	16
Remedial Investigations	11
Feasibility Studies	8
Records of Decision	13
Remedial Actions	12
No Further Action Determinations	106

Site Response, Dry cleaner and Orphan sites

Removal Actions	5
Remedial Investigations	6
Feasibility Studies	6
Records of Decision	3
Remedial Actions	3
No Further Action Determinations	6

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 in that it holds 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 cleanup 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 cleanup 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.

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 Senate Bill 463, clarifying and improving dry cleaner 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 on gross revenue are anticipated to generate more program income for assistance and cleanup activities
- Responsibility for fee collection was moved from the Department of Revenue to DEQ
- The 2006 sunset on the dry cleaner program was removed

Staff and Agency Contacts

Bob Danko, Dept. of Environmental Quality
503-229-6266

Judith Callens, Legislative Committee Services
503-986-1688

*Bob Danko, Department of Environmental Quality,
assisted with the development of this document.*