



June 2008

Inside this Brief

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

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Background Brief on ...

Environmental Cleanup

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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 Legislative Assembly enacted environmental clean up 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 2007 progress in Oregon in evaluating, investigating, and cleaning up sites with known or suspected releases of hazardous substances.

Cleanup Phases Completed in FY 2007

Suspected Releases Added to Database	168
Added to Confirmed Release List	33
Added to Inventory	20
Site Screenings	41
Preliminary Assessments & Equivalents	26
Removal Actions	6
Remedial Investigations	7
Feasibility Studies	7
Records of Decision	11
Remedial Actions	9
No Further Action Determinations	67

Oregon Law

Oregon's law focuses on investigating and cleaning up releases or threatened releases of hazardous substances. Oregon's clean up law is similar to CERCLA in that it holds owners and operators of facilities liable for clean up costs where a hazardous substance has been released. In contrast to CERCLA, Oregon's clean up 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 clean up 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 clean up, 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 clean up 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 Legislative Assembly repealed provisions requiring clean up to “background or lowest feasible concentration” levels and instead established specific acceptable risk levels for human and environmental exposure. Oregon clean up standards for various hazardous and toxic substances can be found at: http://www.sos.state.or.us/archives/rules/OARs/300/OAR_340/340_122.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 Legislative Assembly passed Senate Bill 463 that clarified and improved dry cleaner waste minimization requirements that protect the environment from future releases.

Underground Storage Tanks

DEQ regulates underground storage tanks holding petroleum-based fuels (primarily those at service stations and those used for heating oil). The tank program handles and regulates the clean up of soil and groundwater contamination resulting from spills and releases.

Recent Legislation

The legislatively approved budget for the 2007-2009 biennium included \$4.4 million in bond funding for the investigation and clean up of approximately 40 sites in the orphan site program.

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The Department of Environmental Quality assisted with the development of this document.