

Fact Sheet

Voluntary Cleanup Program

Why would a business volunteer clean up hazardous substances on their property?

The volunteers win because they save money by cleaning up sooner. They also gain a DEQ certification of "clean." DEQ wins because it encourages more cleanups. All Oregonians win because their environment is cleaner and threats to health are removed.

Why shouldn't I wait until someone makes me clean up?

Generally, the sooner hazardous substances are cleaned up, the less the damage and the less the cost. While your business may never make the federal Superfund National Priorities List, the "liability net" created by state and Superfund legislation will almost certainly ensnare you if you use hazardous materials or if you transfer property. Environmental assessments are a part of "due diligence" in transactions, and purchasers and lenders will often insist that a cleanup be to state and federal standards.

What if I just bought property that someone else messed up? What if I lease it to someone who spills hazardous substances? Suppose an ex-employee dumped some stuff that might be toxic? I won't be liable for all that, will I?

Yes, you are probably liable in all cases.

And then I also have to pay to get a sign off from DEQ?

Yes, the responsible party pays the costs; the program follows the legislative mandate, "Whoever makes the mess cleans it up." The level of DEQ review (or oversight) needed will vary with the level of "mess": a simple site will have a focused investigation and limited oversight; a complex site will need a comprehensive investigation and greater oversight. DEQ will help the volunteer select the right tool for the job.

Does DEQ always ask for a \$5,000 deposit up-front?

Yes, however in some cases the deposit has been waived and program participants have been billed monthly. DEQ will consider whether a lower deposit may be appropriate for certain types of projects.

What is DEQ's hourly rate?

From \$70 to \$85 per hour. This includes direct salary, benefits and agency overhead.

How do I sign up?

Complete a simple form called an "Intent to Participate" form. This will put your site on the waiting list for assignment to a project manager.

How long is the waiting list?

It varies depending on such things as threat to public health and the environment, the complexity of the site, your scheduling needs and your readiness to begin. Voluntary Cleanup Program (VCP) staff will meet with you, usually within a week, to establish the priority of your site. If your project is a high priority, work could begin within two to four weeks.

When do I start paying for DEQ oversight?

You don't need to pay anything to get on the waiting list. We ask for a \$5,000 deposit when your site has been assigned to a project manager and a Letter of Agreement is ready to be signed.

How long will it take to get a realistic estimate of the time and money needed to clean up my property?

DEQ will review pertinent information about your site before the agency can give you an estimate. It's best to schedule a meeting with DEQ staff to discuss your particular project. A lot depends on the amount and quality of project information that's already available. Once your project has been assigned to a staff member, allow up to four weeks for an estimate of the initial work needed and the associated cost.

Can the project be divided into separate, manageable units?

Yes, cleanups are often done in phases. Many times this allows construction to occur on a portion of the site. It also helps keep larger projects focused and cost effective.

What level do I clean up to?

In determining the level of cleanup, several factors are taken into account on a site-by-site basis, including: level of protection, available technology, reliability of the remedy and cost effectiveness. If your site just needs a soil cleanup, you may use Oregon's numeric soil cleanup standards.

What are numeric soil cleanup standards?



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Standardized pre-approved cleanup levels. If you can use these standards, you won't have to perform a risk assessment or feasibility study as part of the investigation.

What if I want to terminate my agreement with DEQ?

Either party can terminate the Letter of Agreement by giving 15 days advance written notice. However, more complex projects require a more complex agreement, which specifies the circumstances under which either party may terminate the agreement.

What happens to my \$5,000 if I terminate the agreement?

You will receive the balance of your \$5,000 within 60 days following the written termination. Also, if your total cleanup oversight costs are less than \$5,000, the balance will be returned to you within 60 days.

What happens to my contaminated property if I terminate?

In the short run, nothing. Your property would be listed in our "Inventory" of sites that need further investigation. However, since more voluntary cleanups are low priority in terms of threat to public health and the environment, it could be a long time, possibly years, before DEQ followed up on your cleanup. The disadvantage would be that cleanup costs will likely increase over time due to inflation and the spread of contamination. Also, DEQ will invoice you for any assessment required at a later date.

Can you give me some references from companies that have tried your program?

Yes. Parties involved in the VCP receive a customer survey from the Department on a regular basis. The survey gives participants an opportunity to comment on the VCP and asks them if DEQ can add their site to the VCP reference list. This list is available upon request by calling (503) 229-5741.



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