

Oregon Department of Environmental Quality
Underground Storage Tank Program
Initial (Twenty Day) Report Form for UST Cleanup Projects

February 2001

This report is due twenty (20) days from the date of the release.

DEQ USTC File No. 24-23-0184

DEQ Facility ID No.

Site Name: Merritt #1 Keizer

Site Address: 5195 River Road N, Keizer, Oregon

INITIAL CLEANUP INFORMATION

(1) Type of contamination (check all that apply):

☐ Gasoline ☐ Diesel ☐ Waste Oil ☐ Heating Oil

☐ Other (specify) _____

(2) Estimate quantity of release (based on information known to date):

☐ <100 gal. ☐ 100-499 gal. ☐ 500-999 gal. ☐ 1,000-5,000 gal. ☐ >5,000 gal.

SITE INFORMATION (Circle N for "no" or Y for "yes")

(3) **N Y** Did any water enter the excavation? If yes, please describe and identify the depth to groundwater in feet below ground surface: _____

(4) **N Y** Was a sheen or odor observed on any water in the excavation?

Note: If groundwater is encountered, soil samples from the soil/water interface must be collected and analyzed for BTEX and by the appropriate TPH method.

At sites where diesel or other non-gasoline products have been released, the water may also have to be screened or tested for polynuclear aromatic hydrocarbons (PAHs). *Please refer to OAR 340-122-0218.*

(5) **N Y** Was water pumped from the excavation?

N Y If yes, did groundwater recharge within 24 hours after pumping?

Please describe the pumping procedure and disposal option selected for the purged excavation water:

(6) **N Y** Were any water samples collected from the excavation? If yes, please describe:

(7) **N Y** Have any soil and/or water sample results been received at this time?

If so, please attach any lab reports.

IF GROUNDWATER HAS BEEN ENCOUNTERED, PLEASE ANSWER QUESTIONS #8-13, BELOW.
IF NO WATER HAS BEEN ENCOUNTERED, PLEASE SKIP TO QUESTION #14

(8) What are the known uses of groundwater within a 500-foot radius of the release site?

☐ non-use ☐ industrial ☐ agricultural ☐ drinking supply

(9) If groundwater in this area is being used as a drinking water supply, please check the type and size of population served by the supply:

☐ Community (community well used for drinking water year round)

size: ☐ <1,000 people ☐ 1,000 - 5,000 people ☐ >5,000 people

☐ Intermittent use (public water used for drinking water only on a part-time basis)

size: ☐ <50 people ☐ 50 - 300 people ☐ > 300 people

☐ Private wells (individual private well or wells used for drinking water)

size: ☐ <10 people ☐ 10 - 25 people ☐ >25 people

(10) **N Y** Is there any evidence this water supply has been or is likely to be impacted from the petroleum product release? If yes, estimate how difficult it would be to replace the existing supply:

☐ bottled water is the only alternative

☐ on-site water treatment; bulk water delivery; new wells are available

☐ able to connect to existing water supply

☐ do not know what alternatives would be available

(11) **N Y** Are/were vapors present in on-site or nearby buildings? If yes:

A. Are you monitoring and/or mitigating any potential fire and safety hazards posed by vapors and free product? Explain: _____

B. Estimate the number of people potentially affected by vapors:

☐ 1-2 people ☐ 3-10 people ☐ >10 people

(12) **N Y** Are vapors or is petroleum contamination present in the utility corridors?

If yes, please explain: _____

(13) **N Y** Are natural areas located within 1/4 mile of the site? If so, please describe types (parks, rivers, wetlands, sensitive habitats, etc.) and proximity: _____

(14) **N Y** If groundwater was not encountered in the excavation, do you believe that this cleanup project can be conducted under the requirements for an UST Cleanup Matrix site? If yes, then refer to OAR 340-122-0305 through 0360.

AREA/SITE CONDITIONS:

- (15) Mean annual rainfall: ___ <20 inches ___ 20-45 inches ___ >45 inches
- (16) Soil type(s) of the naturally occurring soils, not the backfill around the tank:
- ___ clays, compact tills, shales, and unfractured metamorphic and igneous rocks
- ___ sandy loams, loamy sands, silty clays, clay loams, moderately permeable limestone, dolomite, sandstones, moderately fractured igneous and metamorphic rock
- ___ fine and silty sands, sands and gravels, highly fractured igneous and metamorphic rock, permeable basalts and lavas, karst limestones and dolomites

SOIL MANAGEMENT

- (17) If soil sample results have been received:
- N Y** Will the level of contamination detected require removal of contaminated soil for treatment or disposal?
- (18) All contaminated soil temporarily stockpiled on-site prior to treatment or disposal must be contained within a bermed area, kept covered, and the entire area secured to prevent unauthorized access by the public. If you haven't done this, please explain why:

Note: It is a violation to stockpile petroleum contaminated soil (PCS) on-site for greater than 30 days without a DEQ Solid Waste Letter Authorization (SWLA) Permit.

- (19) If contaminated soil is currently stockpiled on-site, please indicate when disposal will occur or when treatment will begin: _____
- (20) Estimated volume of contaminated soil (specify tons or cubic yards): _____
- (21) Intended disposition of soils (please check one):
- ___ On-site/off-site treatment, Solid Waste Letter Authorization Permit Application attached.
- ___ Thermal treatment off-site at an authorized facility.
- Facility name: _____
- ___ Landfill disposal.
- Name of Landfill: _____

Note: Please attach additional information as necessary to explain any unusual circumstances associated with this project.

This initial report is intended to provide the Department with the basic initial information about activities associated with the release. Future reports should provide a more detailed and complete picture of the cleanup project.

Please be aware that a DEQ permit/authorization is required for the following activities:

- 1) Soil aeration, bioremediation (on-site or off-site), or on-site thermal treatment.
- 2) Water discharges to a stream/storm drain from the excavation or treatment tank.

If these activities will be included in your cleanup project, contact the regional DEQ office for the appropriate application forms, information on permit fees and guidance documents.

THIS REPORT WAS PREPARED BY:

Individual: _____ Phone: () _____

Company: _____

Address: _____

City: _____ State _____ Zip _____

**Please return this form to the regional office in which the site is located.
Addresses and phone numbers for these offices can be found in the *UST Cleanup Manual*.
If you have questions, call the contact person in your regional office.**

**REMINDER: For non-heating oil tanks, you must submit a UST Decommissioning/
Change-in-Service Report form and a UST Decommissioning Checklist to the
appropriate regional office within 30 days of the UST decommissioning.
See *UST Cleanup Manual*, for copies.**

**Failure to do so can result in delays to your project and
may result in continued billing for the tank permit fees.**

**Copies of the *UST Cleanup Manual* and other necessary UST Program forms
can be downloaded from the UST Program web site:**

<https://www.oregon.gov/deq/FilterDocs/USTCleanupManual.pdf>

KEEP A COPY OF THIS REPORT FOR YOUR FACILITY RECORDS

REPORT DUE DATES AND INFORMATION TO BE SUBMITTED FOR UST CLEANUP PROJECTS

- A. Within 20 days from the date the release was reported, or another reasonable time period determined by the Department,
1. Complete all portions of the Initial Report Form for UST Cleanup Projects.
- B. Within 45 days from the date the release was reported,
1. If cleanup (and the final report) cannot be completed within 45 days from the date of the release, submit an interim status report. The interim report must a) summarize the findings to-date, b) outline your planned actions for additional work, and c) include anticipated dates of completion for each action. Attach copies of any sample results and chain-of-custody forms for all samples collected to date.
 2. If cleanup is ongoing, submit quarterly status reports (as described in item B.1 above) each January first, April first, July first, and October first unless otherwise specified by the DEQ Regional Office until cleanup is complete. Note: you do not need to resubmit copies of sample results already provided, but all data collected to date should be mentioned in your summary reports.
- C. Within 60 Days from the date CLEANUP is considered COMPLETE,
1. Submit the final cleanup report. The information that must be included is outlined in the UST Cleanup Manual, OAR 340-122-360.
- D. Corrective Action Plans (CAPs),
1. Once groundwater contamination has been confirmed and the investigation is complete, you will be required to submit a CAP for approval (some complex soil remediation projects may also require a CAP). If your project is not just a simple matrix cleanup, contact the regional office listed below for specific information on how to proceed and what your reporting requirements will be.

Complete, step-by-step guidance on cleanup and reporting requirements is provided in the UST Cleanup Manual. Please refer to this manual for any specific information you may require. If you have further questions, please contact the regional office listed below.

SEND UST CLEANUP REPORTS TO: DEQ - Western Region Salem Office
Tanks Program
4026 Fairview Industrial Dr SE
Salem, OR 97302-1142

(503) 378-8240

PRIORITY REVIEW and COST RECOVERY AGREEMENT

This agreement is used as a tool for assigning low priority sites to a project manager. Although DEQ tries to assign staff to sites with high risk to human health or the environment as soon as possible, we may not have staff available to review low risk sites. This option is available to responsible parties who wish to proceed with cleanup and want DEQ signoff sooner rather than later (e.g., to sell the property, obtain financing or insurance). These sites are typically handled on a first come, first served basis and there may be a waiting list.

This document serves as an agreement between the undersigned (hereinafter "you") and the Department of Environmental Quality (DEQ) regarding DEQ site-specific technical consultation, review, and oversight of the investigation and/or cleanup of petroleum (hazardous substances) at the property located at:

Facility Name: Merritt #1 Keizer

Address: 5195 River Road N, Keizer, Oregon

USTC No.: 24-23-0184

DEQ agrees to review environmental documents submitted by you or on your behalf regarding the investigation and/or cleanup of the above-referenced site. Additional details regarding DEQ oversight will be established upon review of the initial site data.

DEQ requires that persons requesting DEQ site-specific technical consultation, review, and oversight of investigation and cleanup activities agree to the terms of this agreement and pay project oversight costs.

DEQ project oversight costs will include direct costs and indirect costs. Direct costs include site-specific expenses and legal costs. Indirect costs are those general management and support costs of the DEQ, including the Land Quality Division (LQD), allocable to DEQ oversight of this agreement and not charged as direct, site-specific costs. Indirect charges are based on a percentage of direct personal services costs. Review and oversight costs shall not include any unreasonable costs or costs not otherwise recoverable by DEQ under ORS 465.255.

DEQ costs are due within thirty (30) days of issuance of the monthly statement, by a check made payable to the "Department of Environmental Quality".

Electing not to enter into this agreement does not release you from any responsibility that you might have for any reporting requirements, investigation and/or cleanup of petroleum (hazardous substances) at the above referenced facility. This does not preclude the DEQ from conducting audits or inspections of all or portions of the investigation and cleanup activities associated with this facility. Enforcement action may be initiated if any violation of DEQ requirements is found.

Either DEQ or you may terminate this agreement by giving 15 days advance written notice to the other. Only those costs incurred or obligated by DEQ prior to the effective date of any termination of the agreement shall be recoverable under this Agreement. Termination of this agreement will not affect any other right DEQ may have for recovery of costs under any applicable law.

You will hold DEQ harmless for any claims (including but not limited to claims of property damage or personal injury) arising from DEQ review and/or oversight activities under this agreement.

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Priority Review and Cost Recovery Agreement

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This agreement is not and shall not be construed to be an admission by you of any liability under ORS 465.255 or any other law or as a waiver by you of any defense to such liability. This agreement is not and shall not be construed to be a waiver, release, or settlement of claims that DEQ may have against you or any other responsible person nor is this agreement a waiver of any enforcement authority that DEQ may have.

The DEQ Western Region Environmental Cleanup Program will be responsible for the review and oversight of the investigation and cleanup activities associated with the property. Please refer all site-specific inquiries to Jennifer Claussen at (503) 378-5074.

All inquiries regarding cost recovery and/or invoices should be directed to (503) 229-5812.

If the terms of this agreement are acceptable, please have it executed by an authorized officer in the space provided below. In order to more effectively schedule your project, please return this agreement within 30 days of receipt to: DEQ Western Region Salem Office, Tanks Program, 4026 Fairview Industrial Dr SE, Salem, OR 97302-1142.

Accepted and agreed to this _____ day of _____, 20____

Signed By: _____

Print Name: _____

Title: _____

Please provide the following information as to where the invoices should be sent.

Individual Name: _____

Title: _____

Company Name: _____

Mail Address: _____

City, State, Zip: _____

Phone Number: _____

E-mail Address: _____

UST CLEANUP PROGRAM - COST RECOVERY

Since Oregon began administering the federal leaking underground storage tank (UST) program in 1988, over 6800 petroleum releases have been reported to the Department of Environmental Quality (DEQ). Approximately 5300 of these releases (sites) have been cleaned up, leaving 1500 active sites. As DEQ must focus its efforts on environmental priorities, (e.g., sites with significant groundwater contamination), some of these sites are simply not being addressed by DEQ and are part of a backlog of sites needing closure, or “no further action” letters from DEQ.

Federal funding for Oregon’s UST Cleanup Program provides a minimum (core) program to carry out the federal requirements, as well as the Oregon public and legislative mandate to protect human health, safety and the environment from leaking petroleum UST’s. The bulk of these resources are spent on high priority sites. Federal and state law also requires that DEQ recover all reasonable costs associated with a cleanup project, including our oversight costs.

Because of the large number of sites needing cleanup and DEQ oversight, a prioritization system is needed to adequately address these sites and make best use of limited DEQ staff resources. This system creates three categories of sites. They are: 1) high environmental priority sites; 2) responsible party priority sites; and 3) responsible party cleanup without DEQ oversight.

HIGH ENVIRONMENTAL PRIORITY SITES - WE CONTACT YOU

If your site is a high environmental priority, you can expect to hear from us. As mentioned above, DEQ is focusing its limited resources primarily on those sites presenting the greatest risk to human health, safety, and the environment. To make this determination, DEQ uses a prioritization system to determine the risk the site poses. As one high priority site is completed or is determined to be lower environmental priority, the next highest priority site is selected for work. Currently, DEQ oversight and payment of oversight costs is done informally without any written agreement between the responsible party and DEQ. For these sites, as long as the cleanup is progressing and the responsible party continues to pay our oversight costs, no change in this arrangement will occur. For sites where the informal arrangement is not working, DEQ may require the responsible party to conduct cleanup and enter into a formal agreement with DEQ as part of an enforcement action. When a site is no longer a high environmental priority, DEQ may decide not to actively provide oversight. A responsible party can request that DEQ continue providing oversight by signing a voluntary agreement. The agreement will allow us to more effectively schedule our resources.

RESPONSIBLE PARTY PRIORITY SITES - YOU CONTACT US

This option is available for those responsible parties who wish to proceed with cleanup and need DEQ signoff (e.g., to sell their property, obtain financing or insurance, etc.). The responsible party must sign a voluntary agreement requesting DEQ oversight and agree to pay oversight costs. The signed agreement should be sent to the appropriate regional office. These sites are handled on a first come, first serve basis and there may be a waiting list. The agreement is used as a tool for assigning sites to a project manager for review. Not signing the agreement does not release you from an obligation to pay oversight costs or to conduct cleanup. A “no further action” letter will be issued when all regulatory requirements have been met.

You are required to proceed with site investigation/cleanup and to comply with all regulatory requirements, (including all reporting requirements and payment of any oversight costs), even if you don’t sign up for DEQ priority review. You must also carefully weigh the fact that over time DEQ requirements may change, so waiting for your site to work its way up DEQ’s priority list does carry some risk. To minimize this risk, you should carefully follow all DEQ guidance associated with the UST Cleanup Rules. Eventually, your site will be at the top of our priority list and we will work on it. We expect that if a competent service provider or consultant carefully follows the rules and the guidance, there should be no unexpected surprises when your site comes up for DEQ review.

The following are some questions we are frequently asked:

WHAT IS COST RECOVERY?

Oregon law (ORS 465.330) requires DEQ to recover all reasonable costs associated with the investigation and cleanup of contaminated sites from the responsible party(s). A responsible party is usually the owner or operator of the facility or property. However, under certain situations, previous owners or operators or anyone who by his or her acts or omissions causes, contributes to, or worsens the contamination may be considered a responsible party. If this situation applies to you, you may wish to seek legal counsel.

WHAT DEQ COSTS WILL BE ASSESSED?

DEQ oversight costs include both direct and indirect costs. Direct costs include DEQ staff time (such as reviewing reports, preparing correspondence, technical assistance, site inspections, enforcement actions, etc.), sample analysis (if we need to collect samples for compliance purposes), and other costs specific to your cleanup project. Direct costs may also include the cost of DEQ using its contractor to respond to an emergency or to investigate and clean up the contamination when the responsible party is unwilling to do so. Indirect costs are those general management and support costs of DEQ and the Land Quality Division (LQ) and are applied as a percentage of the direct personal services. The average hourly rate including indirect costs is roughly \$187.

WHEN WILL I BE INVOICED?

Invoices are generally sent about the third week of the month, after any time has accrued during the previous month. Payment is expected within thirty (30) days of receipt. For sites with a signed agreement, or high priority sites that have been working cooperatively with DEQ, DEQ provides a “no further action” letter when it is demonstrated that the cleanup requirements have been met and all outstanding invoices have been paid. If you have a property transaction pending with a specific closing date, it may be possible to receive an estimate of your final billing amount in order to expedite closure of your site. An estimate is generally somewhat higher than actual charges; refunds are issued within 45-60 days.

If you have any questions concerning the cost recovery process or your invoice please feel free to contact Dawn Ismerio at (503) 229-5812. Should you have any questions regarding the specifics of the investigation or cleanup activities at your site, please contact the appropriate regional office. When contacting us, please refer to the site with the DEQ file number (file number is located on the invoice and on all correspondence to you) and the site name. For locations and phone numbers of the regional offices, please see the UST Regional Office list at <http://www.deq.state.or.us/about/locations.htm> .

Approval Requirements for UST Cleanup Projects

Background

The Oregon Department of Environmental Quality (DEQ) is required to approve certain cleanup actions and the final “no further action” determination for underground storage tank (UST) cleanup sites. Oregon Administrative Rules (OAR) 340-122-0205 through -0360 specify UST cleanup requirements and approval criteria.

This Fact Sheet explains when approval from the UST Cleanup Program is necessary. This document will also serve as a useful reference about where to find more complete descriptions of the criteria and procedures for approval.

When is “approval” necessary for UST cleanup sites?

Formal DEQ approval is only required for a corrective action plan (CAP) and for a “no further action” determination. We encourage the responsible party to proceed with necessary corrective action plans prior to approval. Approval is not needed for actions required by OAR 340-122-0220 through -0240, such as mitigating imminent hazards, preventing additional leaks, investigating the contamination, performing free-product removal, and proceeding with site cleanup.

What is required for the approval of a corrective action plan?

Oregon Administrative Rule 340-122-0250 lists the information that must be included in a corrective action plan. Remember these three important rules:

- You must determine the full magnitude and extent of all contamination (soil, groundwater, surface water, and vapors-- both on- and off-site).
- It is not necessary to wait until a corrective action plan is approved in order to perform corrective actions, unless implementation of the corrective action carries additional human health risks that must be evaluated (i.e., air sparging, bioremediation, etc.).
- A corrective action plan must include enough design and test data to show that the plan is adequate to protect human health and the environment.

What is a “no further action” determination? What are the evaluation criteria for approval?

Your cleanup site may qualify for a “no further action” determination when it no longer presents an unacceptable risk to human health or the environment and when you have complied with all applicable rules. The “no further action” decision means that based upon the technical information presented to DEQ, the agency has concluded that no additional cleanup measures are necessary.

The UST Cleanup Program allows many options for completing your project. These include:

- Low-Impact Sites (OAR 340-122-0243)
- Risk-Based Concentrations (OAR 340-122-0244)
- Corrective Action Plan (OAR 340-122-0250)
- Generic Remedies (OAR 340-122-0252)
- Soil Matrix Cleanup Options (OAR 340-122-320 through -0360)

Each option takes a different path to the “no further action” determination, but you must always:

- Determine the full magnitude and extent of all contamination.
- Demonstrate that there are no unacceptable risks either by 1) leaving no residual contamination in place that exceeds numeric standards or 2) demonstrating that there are no complete pathways that present human health or environmental risk.

Additional information

Three important documents are:

- *UST Cleanup Manual*, DEQ, 2000
- *Risk-Based Decision Making for the Remediation of Petroleum-contaminated Sites*, DEQ, 1999
- *Guidance for Applying the Low-Impact Site Rule to UST Cleanup Sites*, DEQ, 1999

All are available by contacting DEQ’s Helpline toll-free at 1-800-742-7878. E-mail your request to tanks.info@deq.state.or.us or visit our web page at:

www.deq.state.or.us/pubs/reports.htm#cuguidance.



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Department of
Environmental
Quality

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