

Program Overview

Program Name: Voluntary Cleanup Program / Brownfields Utah Department of Environmental Quality (UDEQ) Division of Environmental Response and Remediation (DERR)

Summary: The Utah State Legislature passed the Voluntary Release Cleanup Program statute in 1997. This legislation created the Voluntary Cleanup Program (VCP) under the Utah Department of Environmental Quality (UDEQ). The VCP is administered by the Division of Environmental Response and Remediation (DERR). The purpose of this program is to encourage the voluntary cleanup of sites where there has been a contaminant release threatening public health and the environment, thereby removing the stigma attached to these sites which blocks economic development.

Website: <https://deq.utah.gov/environmental-response-and-remediation/cercla-comprehensive-environmental-response-compensation-and-liability-act/voluntary-cleanup-program>

Funding Source(s) for the Program: Federal grants (100%)

Cost to enter program or fees for service: A \$2,500 application fee and an environmental assessment are required at time of application. The fee is used to cover UDEQ/DERR costs for eligibility assessment and signing a voluntary cleanup agreement.

Sites Enrolled in VCP: Through September 2022 (FFY 22) and consistent with the Program Activity Levels (PALs), 91 properties (or sites) enrolled in the Response Program.

Sites Completed under VCP: Through September 2022 (FFY 22), 63 COCs/NFA letters have been issued.

Contacts

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Assessment and Cleanup Funding

Federal grants are available to assist with brownfields reuse projects. The UDEQ/DERR received a State Community-Wide Assessment grant and is capable of funding assessments in Utah on eligible Brownfield sites.

Liability Relief Provisions

The VCP offers a COC with limited liability relief for non-responsible parties, future owners, and lenders. The DERR also has a Brownfields tool known as an Enforceable Written Assurance (EWA). The Utah Hazardous Substances Mitigation Act was amended in 2005 to expressly allow the Executive Director to issue EWAs to bona fide prospective purchasers. This term is defined by the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and incorporated in the Hazardous Substances Mitigation Act. UDEQ will not bring an enforcement action under the Hazardous Substances Mitigation Act against the holder of an EWA, provided the holder continues to satisfy the ongoing obligations and reasonable steps associated with the written assurance. Through September 2022 (FFY 22), 195 EWA applications received and 162 EWAs issued.

Contaminants Managed

The program does not restrict on basis of contaminants. Working to address PFAS.

Asbestos: Yes

Lead: Yes

PCBs: Yes

Petroleum and Fuels: Yes

Other Contaminants: Yes - VOCs, SVOCs, metals, etc.

Institutional Controls

ICs may be allowed as part of a cleanup strategy-use and review is decided on a case-by-case basis.

IC Tracking: ICs and conditions of closure are defined in the COC. ICs may also be defined in an environmental covenant developed in accordance with the Uniform Environmental Covenants Act. The COC and covenant are recorded on the property title upon successful completion of a voluntary cleanup. Recorded COCs and covenants are included on various UDEQ/DERR Web pages to augment the public record.

IC Oversight: UDEQ/DERR reviews and accepts all proposed remedies under the VCP prior to implementation. A site management plan may be necessary to manage engineering and/or institutional controls.

IC Monitoring: The UDEQ/DERR actively manages VCP post-remediation sites with a Site Management Plan and environmental covenant to ensure the remedy remains protective of human health and the environment.

Related Programs

Underground Storage Tanks (UST) Program

<https://deq.utah.gov/environmental-response-and-remediation/underground-storage-tank-branch>

Methamphetamine Cleanup

<https://deq.utah.gov/environmental-response-and-remediation/cercla-comprehensive-environmental-response-compensation-and-liability-act/decontamination-specialist-certification-program>

Superfund Program

<https://deq.utah.gov/environmental-response-and-remediation/cercla-comprehensive-environmental-response-compensation-and-liability-act/cercla-branch>