



Voluntary Cleanup Program (VCP) – FAQ

In addition to the frequently asked questions (FAQ) below, an overview of the VCP and program documents are provided on the webpage: <https://www.deq.idaho.gov/waste-management-and-remediation/sampling-investigation-and-cleanup/voluntary-cleanup-program/>

Is the VCP a tool to address brownfields?

Yes. A brownfields site is a vacant or underutilized property where redevelopment or reuse is complicated by actual or perceived environmental contamination. For more information on the Idaho Department of Environmental Quality's (DEQ) Brownfield's Program, visit:

<https://www.deq.idaho.gov/waste-management-and-remediation/sampling-investigation-and-cleanup/brownfields-in-idaho/>.

Voluntary cleanups mitigate risk to human health and the environment while hopefully removing stigma attached to contaminated sites. This allows impacted properties to be developed and returned to a state of beneficial use.

What sites are eligible for the VCP?

All sites are eligible unless any of the answers to questions detailed in Part 2 – Program Eligibility are answered with a yes by the participant. Please see the VCP application instructions document on the VCP website for additional information.

Who is eligible for the VCP?

All applicants are eligible unless any of the following statements are true:

- The site has an unresolved Notice of Violation (current enforcement actions)
- The site is under investigation for potential violations (pending enforcement actions)
- The site is currently under state or federal corrective action orders

Does DEQ offer a VCP pre-application meeting?

Yes. DEQ offers and encourages a pre-application meeting to interested parties, although they are not required. These meetings cover the application/agreement process, site characterization, remedial action, public participation, and other important administrative and technical aspects of the program. The meeting is designed to assist the applicant. Contact the VCP Program Manager to arrange a pre-application meeting.

Is there an application fee?

Yes. There is a nonrefundable \$250 fee required at the time of application. The fee covers DEQ's administrative costs for processing and reviewing the VCP application as well as executing a VCP Agreement.

How long is the application process?

The Idaho Land Remediation Act, which governs the VCP, states that DEQ must accept or reject an application within 30 days of receipt. Applications may be submitted by mail, email or in person during regular business hours (8:00 a.m. – 5:00 p.m. Mountain Standard Time, Monday – Friday). Generally, applications are processed upon receipt and the initial eligibility review takes five to seven business days for coordination between all divisions within DEQ. If eligible, the applicant will receive a mailed acceptance letter along with a Voluntary Cleanup Agreement for review and signature. If ineligible, a rejection letter will be sent to the applicant explaining the reason(s) for rejection.

What is a Voluntary Cleanup Agreement?

A Voluntary Cleanup agreement is a legal document, signed by both DEQ and the VCP participant, which details the specific steps, timelines for assessment (if needed), and cleanup of a property accepted into the VCP. The agreement also provides for the cost recovery of DEQ's oversight.

How much does DEQ charge to oversee the Voluntary Cleanup Agreement?

Beyond the \$250 application fee, DEQ charges for oversight of the work to be performed under the Voluntary Cleanup Agreement. DEQ's project oversight costs include, but are not limited to, non-personnel costs, administrative processing, and personnel time for field work and document reviews/discussions. Applicants are required to provide an initial \$2,500 deposit. If project oversight costs exceed the initial deposit, DEQ will require additional deposits as needed. After the cleanup is complete, any unused funds are refunded to the applicant. Typically DEQ's oversight costs are covered under the initial \$2,500 deposit, but more complex and longer duration cleanups may require additional deposits.

What is a Voluntary Cleanup Work Plan?

A voluntary cleanup work plan details the schedule and specific steps that will be taken by the VCP applicant to cleanup a site accepted into the VCP. The work plan must be approved by DEQ as well as be subject of a 30-day public comment period before it can be enacted.

Who do I call if I have any questions on the program or application process?

You may call the DEQ Voluntary Cleanup Program Manager for more information during regular business hours at (208) 373-0525. You may also view the VCP homepage at:

<https://www.deq.idaho.gov/waste-mgmt-remediation/brownfields/voluntary-cleanup-program/>

Is site characterization necessary?

Yes, but only if the site has not been sufficiently characterized before being entered into the VCP. Additional site characterization may be necessary to gather information regarding the nature and extent of contamination before developing a Voluntary Cleanup Work Plan.

Will analytical data collected before my VCP application be accepted?

Typically, data collected using standard operating procedures and of sufficient documented quality will be accepted. Data collected before application to the VCP should be contained in the Environmental Assessment. DEQ will review the Environmental Assessment to determine whether the data can be accepted under the program.

What are the primary cleanup standards for the VCP?

Any cleanup enacted under the VCP must achieve health-based and environmental standards detailed in Section 023 of the Idaho Land Remediation Rules (IDAPA 58.01.18.023). In general, VCP sites use established standards (e.g., [Idaho PetroREM](#)) or Federal standards (e.g., [EPA Regional Screening Levels](#)). Cleanup standards used on VCP sites can be no more stringent than applicable state or federal standards. However, VCP rules do allow the establishment and use of human health-risk-based standards calculated using site-specific criteria (as opposed to the established standards which may be overly conservative).

What soil and groundwater screening levels are accepted?

EPA Regional Screening Levels or Idaho-specific screening levels may be used for soil. Any groundwater contamination concentrations should be screened against maximum contaminant levels (MCLs) or other approved health-based standards (e.g., tap water screening criteria) if MCLs do not exist.

Is a risk-based cleanup allowed under the VCP?

Yes.

Is a risk assessment required?

No. However, applicants may conduct a risk assessment if desired. Under the VCP, applicants may clean up to generic screening concentrations, background levels, site-specific numbers, or other accepted criteria approved by DEQ. Cleanup objectives should be detailed in a site-specific Voluntary Remediation (cleanup) Work Plan. Further information on risk evaluations can be found at the following website: <https://www.deq.idaho.gov/waste-management-and-remediation/sampling-investigation-and-cleanup/risk-evaluation/>.

Is a partial response action allowed?

Yes. A partial response action may be conducted on a selected area, release, contaminant, and/or medium in a manner approved by DEQ. However, the Certificate of Completion will only extend to the action, not the entire property.

Are activity and use limitations, as part of an environmental covenant, accepted under the VCP?

Yes. Activity and use limitation, as part of an environmental covenant, may be a component of the remedy employed at the site. Please see the following website for more information on environmental covenants: <https://www.deq.idaho.gov/waste-management-and-remediation/sampling-investigation-and-cleanup/environmental-covenant/>

Is public participation required before cleanup?

Yes. Public notices are published on the DEQ website and in a newspaper local to the cleanup site, followed by a 30-day comment period on the Voluntary Remediation Work Plan. DEQ may also enact further activities (e.g., hold a hearing), based on the level of community interest.

What do VCP participants get at the end of the process?

After the terms and conditions of the Voluntary Cleanup Agreement have been completed, a Certificate of Completion (COC) is issued to the applicant. The COC provides a release of liability under Idaho Code § 39-7207.

Is the Certificate of Completion transferable to subsequent property owners?

Yes. The COC is recorded with the property deed and protects future lenders on the property from state liability for environmental contamination addressed under the Voluntary Cleanup Agreement.

Are VCP participants protected from federal liability?

No. However, DEQ believes that successful site cleanups under the program may minimize potential federal liability for environmental cleanup.

Are there any enforcement provisions in the Voluntary Cleanup Agreement?

No. The VCP is intended to be completely voluntary. However, once DEQ approves a Voluntary Remediation Work Plan, the cleanup is expected to be completed.

I've already cleaned up a site on my own. Am I eligible for a Certificate of Completion after-the-fact?

No.