



## Brownfields Department

GUIDE TO

# Cleanup / Remediation / Corrective Action

### BROWNFIELD PROGRAM PROCESS



## How will I know if Cleanup is needed?

You will know if cleanup/corrective action are required once you get your sample results back from the Phase II Assessments. The concentrations of contaminants will be compared to state and federal limits and exceedances must be reported to the OCC.

### Gas Station Sites:

- The OCC Petroleum Storage Tank Division rules (165:25-3-8. and 165:29-3-3.) set limits. [See PSTD Rules >>](#)

### Oilfield Sites:

- The OCC Guardian Guidance sets limits. [See Guardian Guidance >>](#)

## What happens in a Cleanup?

While the term “cleanup” is used widely for the step after assessment, what actually happens next is **risk-based corrective action (RBCA)**. RBCA is a method of remediating a site that takes into account the site's geology, human and environmental receptors in the area, the reuse plan, and other factors to determine the allowable levels of chemicals that can remain on site without posing a risk to human health and the environment.

Corrective action can include long-term monitoring, dig-and-haul of contaminated soil, air-sparging, vacuum extraction, and more.

- **If the lease is no longer active**, the OCC Brownfields Department may be able to conduct soil and water sampling near the well to check for impacts. If there is trash and debris on site from the past operations, the OCC will refer the applicant to the Oklahoma Energy Resources Board (OERB) for possible assistance with removing the debris. If a well is abandoned and needs to be plugged, we can refer the applicant to the OCC well plugging programs.
- **If the lease is still active**, the OCC Brownfields Department may not conduct sampling nearby, but we can request a field inspector visit the site to document any visible environmental conditions.

# FAQ

## Who Is Responsible at Gas Station Sites?

**The current owner or a past owner/operator.**

When elevated contaminant levels are reported to the OCC PST Division, they will likely open a release case on the property and notify the **responsible party**.

**Responsible parties** are often:

- A historic owner/operator if they registered the tanks as POU, or if they were the operator during a historic release case and the current case is deemed to be related.
- The new owner/brownfield program applicant if the tanks at the gas station were registered as TOU (not POU).

At sites where no responsible party can be found, the current owner will likely be named an **Impacted party**.

## What if there are wells on site?



**This depends on whether the wells are part of an active lease.** Even if an individual well appears to be abandoned, it may be part of an active lease. To check the status of a well, contact the OCC Brownfields Department.

## Who Is Responsible at Oilfield Sites?

The only entity who may be forced to conduct cleanup/remediation on an oilfield site is the operator. Therefore, when no viable operator can be found, no one can be forced to clean up an oilfield site. However, if the purchaser is seeking a Brownfields Certificate for a specific property reuse, and if cleanup is required to meet site-specific contaminant levels for that reuse, someone must conduct the cleanup.

During a Cleanup, an Environmental Consultant categorizes the site, prepares a Cleanup Plan, works with the OCC to get the plan approved, and carries out the remediation described in the plan.

The OCC [Guardian Guidance](#) is the guiding document for cleanups at oilfield sites.

*NOTE: The OCC does not prepare Cleanup Plans for applicants, but we must review and approve Cleanup Plans prepared by Environmental Consultants before they can be implemented. In addition, Cleanup Plans at enrolled brownfield sites must be posted for 30 days for public comment before work may begin.*

## Who Pays for Cleanups at Oilfield Sites?

There is no Oil and Gas Indemnity Fund. However, the OCC Brownfields Department occasionally has grants that can provide site-specific cleanup funds for eligible entities at eligible sites (eligibility is determined by OCC and the EPA). In addition, the Oklahoma Energy Resources Board (OERB) is sometimes able to conduct cleanups for eligible entities at no cost.

Otherwise, the cleanup is usually paid for by the property purchaser/developer unless otherwise agreed upon in the property transaction. This is especially true at oilfield sites where contaminant levels on site do not exceed risk-based standards, but the developer wants to remediate anyway.

## How Does the OCC Help with Cleanups?

Using our agency rules and guidance documents, we can guide and conduct cleanup/corrective action on enrolled brownfields sites for chemical constituents related to activities under our jurisdiction (namely, historic gas stations and oilfield exploration and production activities) to ensure they are ready for the applicant's planned reuse.

Due to jurisdictional restrictions, we cannot oversee or pay for cleanups/corrective action of contamination from sources not under the OCC's jurisdiction, but we can refer you to other entities that may be able to assist:

- Household chemicals (ODEQ or your municipality)
- Drummed or open hazardous materials (ODEQ)
- Old tires (ODEQ)
- Illegal dump sites (ODEQ)
- Oilfield-related trash and debris, like cement, piping, etc. (OERB)
- Lead-based paint and asbestos-containing materials (ODEQ)

## Contact Us



(405) 521-2331



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## Call Now:

**(405) 521-2331**

## Who Pays for Corrective Action at Gas Station Sites?

**The Responsible Party and (when approved) the OCC Indemnity Fund.**

Responsible parties must employ an Environmental Consultant licensed by the Petroleum Storage Tank Division (PSTD). The Environmental Consultant will assist the responsible party in preparation and submission of an Indemnity Fund Application. Once eligible for reimbursement by the Indemnity Fund, the Environmental Consultant works with PSTD staff to complete all necessary work. **The Consultant is paid by the OCC Indemnity Fund, and the Responsible Party will owe a 1% copay to the OCC on all work billed by the Consultant.** The copay is capped at \$5,000 which covers up to \$2.5 million (or another amount determined for your site) of corrective action costs on a single property.

Impacted parties are also required to employ an Environmental Consultant, but they will not owe a copay.

[Learn more about the Indemnity Fund in Chapter 27 of OCC Rules >>](#)

**Corrective action costs vary widely by site.**

A list of Licensed Environmental Consultants can be found on the OCC's website:  
<https://oklahoma.gov/occ/divisions/petroleum-storage-tank/licensees.html>



At both oilfield and gas station sites, cleanups/corrective action may take years to complete. In many cases, site redevelopment can proceed concurrently with these actions.