

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



October 13, 2022

Assembly Chief Clerk
17 West Main Street, Room 401
Madison, WI 53703

Subject: Report on Environmental Cleanup Program

Dear Chief Clerk:

As required by Wis. Stat. § 292.25, the Wisconsin Department of Natural Resources is pleased to submit the attached report regarding the status of the Voluntary Party Liability Exemption (VPLE) environmental cleanup program. As required by law, this report is being submitted to the Governor, the Department of Administration, and the Legislature.

If you have any questions regarding this report, please contact Michael Prager, Land Recycling Team Leader in the Remediation and Redevelopment Program, at (608) 225-7950 or michael.prager@wisconsin.gov.

Sincerely,
DocuSigned by:

Sarah Barry

A7D70DC3770642F-
Sarah Barry on behalf of Preston D. Cole
Secretary

Attachment: Report on Impact of Exemptions from Liability, RR-929

cc: Secretary Kathy Blumenfeld, DOA, PO Box 7864, Madison, WI 53707
Governor Tony Evers, PO Box 7863, Madison, WI 53707
Senate Chief Clerk, PO Box 7882, Madison, WI 53707

Report on Impact of Exemptions from Liability

Department of Natural Resources

PUB-RR-929 September 15, 2022

Wis. Stat. § 292.25 requires the Department of Natural Resources (DNR) to prepare a biennial report that provides an update on the status of the Voluntary Party Liability Exemption. This report is required to be submitted to the Legislature, the Governor and the Department of Administration.

Any individual, business or unit of government that conducts an environmental investigation and cleanup of a contaminated property – following state requirements and with the oversight of DNR staff – can receive an exemption from future environmental liability. The Voluntary Party Liability Exemption (VPLE) is implemented by the DNR and described in Wis. Stat. § 292.15.

A. Sites Seeking Liability Exemption

From its inception in 1994, until September 15, 2022, 413 properties have applied to enter the Voluntary Party Liability Exemption (VPLE) process. Eleven properties were determined to be ineligible for VPLE and 151 properties withdrew from the program. As of September 15, 2022, 51 parties continue to participate in the VPLE process and are undergoing an investigation and cleanup.

B. Certificates of Completion

DNR has issued a Certificate of Completion for 203 sites that completed the VPLE process.

C. Sites with additional contamination discovered after Certificate of Completion was issued

One site, for which a Certificate of Completion was issued, discovered that additional hazardous substances existed. In this case, the owner chose to remove the contaminated material with DNR approval.

D. Use of Environmental Fund money on remedial actions and estimated costs at sites where a Certificate of Completion was issued

In 2020, DNR conducted action using state funds at any one site that received a Certificate of Completion. Because of a concern about possible vapor intrusion, the DNR conducted a vapor assessment at the site. The DNR concluded that vapors were not a concern and no mitigation was needed. The DNR paid \$18,279 to an environmental consultant to conduct this work.

E. Claims for VPLE sites that obtained insurance - natural attenuation

As of September 2022, there were 69 sites where the voluntary party paid the natural attenuation insurance fee to receive a Certificate of Completion, as offered in Wis. Stat. § 292.15(2)(ae) and Wis. Admin. Code ch. NR 754. This environmental insurance policy covers the state of Wisconsin in the event that natural attenuation of groundwater fails. There have been no claims against the insurance policy for any of these sites.

F. Claims for VPLE sites that obtained insurance – contaminated sediment

As of September 2022, there were no contaminated sediment sites where the voluntary party obtained insurance, as required by Wis. Stat. § 292.15(2)(af). The DNR promulgated new permanent administrative rules, which took effect in 2021, pertaining to insurance at VPLE sediment sites. These new rules are found in Wis. Admin. Code ch. NR 758. No insurance claims have been made for any sediment site.

For more information, please contact [Michael Prager](mailto:michael.prager@wisconsin.gov) at (608) 255-7950 or michael.prager@wisconsin.gov.



Wisconsin Department of Natural Resources
PO Box 7921, Madison, WI 53707
dnr.wi.gov, search "brownfields"

