Section 292.25, Wis. Stats., requires the Department of Natural Resources to prepare a 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 with the oversight of Department of Natural Resources (DNR) staff – can receive an exemption from future environmental liability. The Voluntary Party Liability Exemption (VPLE) is implemented by the DNR and described in s. 292.15, of the Wisconsin Statutes.

A. Sites Seeking Liability Exemption
   From its inception in 1994 until September 15, 2014, 365 properties have applied to enter the Voluntary Party Liability Exemption (VPLE) process. Of that, 11 properties were determined not to be eligible for VPLE and 96 properties withdrew from the program. As of September, 2014, 116 parties continue in the VPLE process and are undergoing an investigation and cleanup in order to receive a Certificate of Completion in the Voluntary Party Liability Exemption process.*

B. Certificates of Completion
   The DNR has issued a Certificate of Completion for 146 sites that have completed the VPLE process.*

C. Sites with additional contamination discovered after Certificate of Completion was issued
   There was one site for which a Certificate of Completion was issued where it discovered that additional hazardous substances were found after the Certificate of Completion was issued. In this case, the State could not use the VPLE insurance to remediate the contamination and 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 Certificate of Completion was issued
   The Department determined that it was not necessary to conduct remedial actions using the environmental fund at any of the sites that have receive Certificates of Completion and no money is expected to be spent.

E. VPLE sites that obtained insurance
   As of September 2014, there were 45 sites where the voluntary party obtained insurance, as required by s. 292.15(2)(ae), Stats. and ch. NR 754, Wis. Adm. Code. Voluntary party insurance assists developers, businesses, local governments and other parties involved in cleaning up contaminated properties by providing an insurance tool that helps them manage risks for unplanned expenses related to brownfields redevelopment. No claims were against an insurance policy for any of these sites.

For more information please contact Michael Prager with the Department’s Remediation and Redevelopment program at (608) 261-4927.

* Total is larger than the number of applications due to withdrawals & ineligible sites which applied later.