

# Voluntary Party Liability Exemption (VPLE) Eligibility Determination

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## BACKGROUND

Any individual, business or unit of government may qualify for an environmental liability exemption covering prior hazardous substance discharges by utilizing Wisconsin's Voluntary Party Liability Exemption (VPLE) program. To obtain a VPLE Certificate of Completion with this liability exemption, apply to enter the VPLE program and complete an environmental investigation and cleanup of contaminated property. Department of Natural Resources (DNR) staff in the Remediation and Redevelopment (RR) Program will provide step-by-step oversight of the environmental investigation and remediation.

The VPLE option is implemented by the DNR as defined in s. 292.15, Wis. Stats. Fees for DNR oversight are established in Chapter NR 750, Wis. Admin. Code.

Anyone seeking a VPLE Certificate of Completion should read this guidance before submitting an application. In addition to other information, it explains how to take advantage of a 2006 change to s. 292.15, Wis. Stats., that adds properties with *unlicensed* solid waste facilities to those that may obtain a Certificate of Completion. For more complete information about the VPLE process, please see [dnr.wi.gov/org/aw/rr/liability/vple.htm](http://dnr.wi.gov/org/aw/rr/liability/vple.htm).

## VPLE ELIGIBILITY

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 DNR staff – is eligible for a VPLE. This exemption applies to releases of hazardous substances that occurred before the exemption is granted.

Properties with the following types of waste sites or facilities are not eligible for a VPLE:

- a solid waste facility or site that was licensed under s. 289.31, Wis. Stats., or s. 144.44, 1993 Wis. Stats.;
- a hazardous waste treatment, storage or disposal facility that first began operation after the voluntary party acquired the property;
- a licensed hazardous waste treatment, storage or disposal facility operated on the property before the date on which the voluntary party acquired the property, and that is operated after the date on which the voluntary party acquired the property; and
- any hazardous waste disposal facility that has been issued a license under s. 144.441 (2), 1995 Wis. Stats., or s. 289.41 (1m), Wis. Stats., or rules promulgated under those sections, for a period of long-term care following closure of the facility.



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## APPLICATION PROCESS

To participate in the VPLE process, submit the following information to a DNR regional office:

- A completed application form, [Voluntary Party Exemption Application Form 4400-178](#);
- An application fee of \$250;
- Attachments required by the application form; and
- A cover letter stating how the applicant concluded that the property does not include a waste site or facility that was ever licensed under state solid or hazardous waste laws, and the sources of information used to reach that conclusion.

After receiving the application, DNR will verify the information and send an eligibility determination to the applicant. Within 30 days of receiving a determination of eligibility, the applicant must send the DNR an advance deposit -- \$1,000 for properties smaller than one acre and \$3,000 for properties one acre or larger.

## INFORMATION SOURCES – Licensed Solid and Hazardous Waste Facilities

The following information sources may be used to help determine if a site is eligible for a VPLE under the unlicensed solid and hazardous waste provision. However, there are likely to be other properties where waste was disposed years ago and which are unknown to the DNR, are not easily visible and are not known to the current property owner.

- **The Solid and Hazardous Waste Information System (SHWIMS)**  
This on-line DNR database provides information about facilities and properties regulated by the DNR's Waste and Materials Management Program. The SHWIMS database has information regarding many licensed solid and hazardous waste facilities. However, some facilities that were licensed many years ago may not be in SHWIMS.

SHWIMS is located at [sotw.dnr.state.wi.us/sotw/Welcome.do](http://sotw.dnr.state.wi.us/sotw/Welcome.do).

- **The Contaminated Lands Environmental Action Network (CLEAN)**  
This on-line DNR database provides information about incidents that contaminated soil, groundwater or other environmental media. Incidents in CLEAN include spills, leaks and other situations where environmental investigation and clean up was necessary. Most entries in CLEAN are not licensed landfills, but a few were previously licensed. CLEAN should not be considered a comprehensive list of contaminated properties, as not all such sites have been reported to DNR.

CLEAN is located at [dnr.wi.gov/org/aw/rr/clean.htm](http://dnr.wi.gov/org/aw/rr/clean.htm).

- **EPA's Envirofacts**  
This Environmental Protection Agency (EPA) system has information about facilities regulated by many different EPA programs. It primarily includes information about facilities that treated, stored or disposed of hazardous wastes.

Envirofacts is located at [www.epa.gov/enviro/](http://www.epa.gov/enviro/)

## **Other Sources of Information**

- **Currently Licensed Solid Waste Landfills in Wisconsin** – This list, which does not include facilities that were previously licensed and are currently closed, is on the web at [dnr.wi.gov/org/aw/wm/facilists/WisLic\\_SWLandfills.pdf](http://dnr.wi.gov/org/aw/wm/facilists/WisLic_SWLandfills.pdf)
- **Historic Registry of Waste Disposal Sites** – This list was last updated in 1999 and is being phased out as its entries are reviewed by DNR and then added to SHWIMS, added to CLEAN or archived. Nonetheless, it provides a source of historic information about waste disposal, including the conclusions reached during the recent DNR reviews. The Facility Identification (FID) numbers in the Registry may be helpful in locating further information - contact the DNR staff listed on page three for questions about the entries in this Registry. The Registry is at [dnr.wi.gov/org/aw/rr/registry/index.htm](http://dnr.wi.gov/org/aw/rr/registry/index.htm).
- **DNR files** – The DNR has paper files on many historic facilities. Contact regional office staff in the Waste and Materials Management Program or the Remediation and Redevelopment Program for access to specific DNR files. Some paper files have been archived and may it may take DNR some time to retrieve them.
- **Local Records** – The towns, cities and businesses that operated many old dumps and landfills may have records about their facilities, especially financial records. Other sources of old information include Sanborn fire insurance maps, aerial photos, county property tax records and documents recorded with the title at county Register of Deeds offices.

## **DNR PROCESS IMPROVEMENTS**

This document describes the process to be used until DNR completes a more comprehensive list of sites and facilities with DNR records of a solid waste license. When that list is completed it may be used to more easily screen out licensed landfills prior to applying for a VPLE. DNR will revise its VPLE application form at that time so that the information DNR is now requesting in an application cover letter will be covered in the application form. DNR will also include information about the updated eligibility criteria in the [VPLE Fact Sheet, RR-506](#).

## **CONTACTS AND QUESTIONS**

If you have questions about the VPLE process please contact Michael Prager, DNR, at 608-261-4927 or at [michael.prager@wisconsin.gov](mailto:michael.prager@wisconsin.gov). You may also contact one of DNR's regional land recycling specialists in the chart on page 4. If you have questions about determining whether a property had a solid or hazardous waste license, please contact Dan Kolberg, DNR, at 608-267-7500 or at [dan.kolberg@wisconsin.gov](mailto:dan.kolberg@wisconsin.gov).

<p><b>Northern Region*</b>  <u><a href="#">John Sager</a></u>  (715) 365-8959</p>	<p><b>Northeast Region</b>  <u><a href="#">Annette Weissbach</a></u>  (920) 662-5165</p>	<p><b>South Central Region</b>  <u><a href="#">Linda Hanefeld</a></u>  (608) 275-3310</p>
<p><b>Southeast Region</b>  <u><a href="#">Margaret Brunette</a></u>  (414) 263-8557</p>	<p><b>West Central Region</b>  <u><a href="#">Loren Brumberg</a></u>  (715) 839-3770</p>	



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**Disability Disclaimer**

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This publication is available in alternative format upon request. Please call 608-267-3543 for more information.

Additional copies of this document, the application forms and other relevant publications as well as additional information on the Remediation and Redevelopment program can be obtained on our web site: <http://dnr.wi.gov/org/aw/rr/>