

Report on Impact of Exemptions from Liability

Department of Natural Resources

PUB-RR-929 September 15, 2016

Wis. Stat. § 292.25 requires the Department of Natural Resources (DNR) 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 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, 2016, 387 properties have applied to enter the Voluntary Party Liability Exemption (VPLE) process. Eleven properties were determined to be ineligible for VPLE, and 111 properties withdrew from the program. As of September, 2016, 105 parties continue to participate 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

DNR has issued a Certificate of Completion for 164 sites that have 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

The DNR determined that it was not necessary to conduct remedial actions using the Environmental Fund at any of the sites that have received a Certificate of Completion and no money is expected to be spent.

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

As of September 2016, there were 54 sites where the voluntary party obtained insurance, as required by Wis. Stat. § 292.15(2)(ae), and Wis. Admin. § NR 754. This environmental insurance helps manage the risk that there may be unexpected environmental cleanup actions needed. 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 2016, there were zero (0) contaminated sediment sites where the voluntary party obtained insurance, as required by Wis. Stat. § 292.15(2)(af).

For more information please contact [Michael Prager](mailto:michael.prager@wisconsin.gov) at (608) 261-4927 or michael.prager@wisconsin.gov.

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



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